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THE

LAWS OF WISCONSIN

JOINT RESOLUTIONS AND MEMORIALS

PASSED AT THE BIENNIAL SESSION OF THE
LEGISLATURE, 1905

WITH

Post-Office Addresses of the Circuit and Superior Judges and Times and Places for Holding Circuit and Superior Courts

AND

Table Showing the Sections of the Wisconsin Statutes of 1898 and Laws of Previous Sessions Amended by the Laws of 1899, 1901, 1903 and 1905

Published by Authority

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LAWS OF WISCONSIN, 1905.

No. 35, A.] [Published February 4, 1905.

CHAPTER 1.

AN ACT to amend section 4229 of the statutes of 1898, pertaining to the limitations of actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Six year limitation; fraud; adverse possession. SECTION 1. Section 4229 of the statutes of 1898 is amended so as to read as follows: "*A civil action to recover a penalty or forfeiture accruing wholly or in part to the state must be commenced within six years after the cause of action therefor has accrued. Any action or proceeding begun by the attorney-general under the provisions of section 1214 of the statutes of 1898, as amended by chapter 315 of the laws of 1903, for the forfeiture of the rights, privileges and franchises of any railroad company or any person or persons operating a railroad within this state must be commenced within six years after such action or proceeding accrued. Any other action in favor of the state, whether created by statute or otherwise, must be commenced within ten years after the cause of action therefor has accrued. No cause of action in favor of the state for relief on the ground of fraud, whether in equity or at law, shall be deemed to have accrued until the discovery on the part of the state of the facts constituting the fraud.* But no person can obtain a title to real property belonging to the state by adverse possession, prescription, or user unless such adverse possession, prescription, or user shall have been continued uninterruptedly for more than forty years.

Provisions; how applicable. SECTION 2. The provisions of this act shall apply to all causes of action herein embraced, as

well those which have already accrued as those which shall accrue hereafter, saving only from its operation those which are now barred by any statute of limitations in force at the time of the passage of this act.

Conflicting laws repealed. SECTION 3. All acts and parts of acts, whether general or special, in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 3, 1905.

No. 46, A.] [Published February 6, 1905.

CHAPTER 2.

AN ACT to provide for the enrollment of laws, resolutions and memorials.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Enrolled bills; resolutions; memorials; how printed. SECTION 1. There is hereby enacted a new section of the statutes of 1898, known as section 320b, to read as follows: Section 320b. In place of the enrollment of bills, joint resolutions and memorials, as now practiced, each bill, joint resolution and memorial, upon its final passage, before being presented to the governor for approval, shall be printed by the state printer upon 40 pound ledger medium paper, the size of paper to be nine by eleven and one half inches, the printed page six by eight and one half inches, and the matter set in fourteen point roman type.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 4, 1905.

No. 9, A.] [Published February 7, 1905.

CHAPTER 3.

AN ACT to amend section 2 of chapter 451 of the laws of 1903, relating to party nominations by direct vote.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County superintendent, how nominated. SECTION 1. Section 2 of chapter 451 of the laws of 1903, relating to party nominations by direct vote is hereby amended by inserting after the words "state superintendent," the following words: "to county and district superintendents of schools," so that said section when so amended, shall read as follows: Section 2. Hereafter, all candidates for elective offices shall be nominated:

1. By a primary held in accordance with this act, or
2. By nomination papers, signed and filed as provided by existing statutes.
3. Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nomination of candidates for state offices.

This act shall not apply to special elections to fill vacancies nor to the office of state superintendent, *to county and district superintendents of schools,* to town, village and school district officers nor to judicial officers, excepting police justices and justices of the peace in cities.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 6, 1905.

No. 26, A.] [Published February 25, 1905.

CHAPTER 4.

AN ACT to amend chapter 438 of the laws of 1901, providing for employees of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Index clerk; compensation. SECTION 1. Section 3 of chapter 438 of the laws of 1901, is hereby amended by inserting after the word "day" in the twelfth line of said section at the top of page 626, the following, *"one index clerk, his compensation shall be four dollars a day."*

Postmaster's assistant; compensation. SECTION 2. Section 4 of chapter 438, of the laws of 1901, is hereby amended by inserting after the word "day" in the ninth line of said section at the bottom of page 626, the following, *"one assistant postmaster, who shall be paid three dollars a day."*

Provisions 5 and 6 to apply. SECTION 3. The provisions of sections 5 and 6 of chapter 438 of the laws of 1901, shall apply to sections 3 and 4 of said law as amended by this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1905.

No. 12, A.] [Published February 25, 1905.

CHAPTER 5.

AN ACT relating to the election of circuit judges where there is more than one judge in the circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Second judicial circuit; branches numbered; elections. SECTION 1. For the purpose of convenience in the transaction of business and certainty in filling judicial positions the circuit court of the second judicial circuit is hereby divided into branches to be numbered from one upward, and hereafter the election and appointment of judges thereof, whether for a full term or to fill a vacancy, shall be for a certain numbered branch of such court. Notice of election shall plainly state the number of judges to be voted for, the name or names of judges whose successors are to be voted for, and the number of the branch of such court presided over by each. One ballot box shall be used and the official ballot shall contain the names of all candidates regularly nominated as now provided by law, designating such candidacy as, "for Circuit Judge (to succeed ....., Branch No. .....)". Each elector may vote for one candidate for each branch of the court required to be filled at such election and the person receiving the highest number of votes for circuit judge for any particular branch shall be declared elected as the judge of such branch and the successor of the incumbent thereof, if any.

Judges to preside; how. SECTION 2. That branch of said court now presided over by Lawrence W. Halsey is hereby designated as branch No. 1; that presided over by Warren D. Tarrant as branch No. 2; that presided over by Orren T. Williams as branch No. 3; and that to be presided over by the judge to be elected on the first Tuesday of April, 1905, under and pursuant to the provisions of chapter 2 of the laws of 1903, to be designated as branch No. 4.

Validity of motions; orders; subpoenas. SECTION 3. Orders to show cause, motions and subpœnas if made returnable before a certain branch of said court by designating the number thereof, shall be as valid and effective as though made return-

able before a certain named judge of said court; and all acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall be in effect from and after its passage and publication.

Approved February 24, 1905.

Sub. for No. 123, A.] [Published March 11, 1905.

CHAPTER 6.

AN ACT to re-district the state of Wisconsin into judicial circuits and to provide in respect to the terms of court and the election of circuit judges therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judicial circuits how apportioned. SECTION 1. Section 2423 of the statutes of 1898 is hereby amended so as to read as follows: "Section 2423. The state is divided into *eighteen* judicial circuits, composed as follows:

The First shall comprise the counties of Racine, Kenosha and Walworth.

The Second—Milwaukee.

The Third—Calumet * * * and Winnebago.

The Fourth—* * * Sheboygan, Manitowoc and Kewaunee.

The Fifth—Crawford, Grant, Iowa, La Fayette and Richland.

The Sixth—La Crosse, Monroe, Trempealeau, Vernon and Junea.

The Seventh—Adams, Portage, Waupaca, Waushara and Wood.

The Eighth—Buffalo, Dunn, Pepin, Pierce and St. Croix.

The Ninth—* * * Dane * * * and Sauk.

The Tenth—Florence, Forest, Langlade, Outagamie and Shawano.

The Eleventh—Barron, Burnett, Chippewa, Douglas, Polk and Washburn.

The Twelfth—Rock, Green and Jefferson.

The Thirteenth—Dodge, Ozaukee, Washington and Waukesha.

The Fourteenth—Brown, Door, Marinette and Oconto.

The Fifteenth—Ashland, Bayfield, Iron, Price, Sawyer, Gates and Taylor.

The Sixteenth—Lincoln, Marathon, Oneida and Vilas.

The Seventeenth—Clark, Eau Claire and Jackson.

The Eighteenth—Fond du Lac, Green Lake, Columbia and Marquette.

Eighteenth judicial circuit, special election. SECTION 2. A special judicial election shall be held in and for the eighteenth judicial circuit herein provided for, and in each of the counties comprising said circuit on the first Tuesday in April, A. D. 1905, for the election of a circuit judge in and for said eighteenth judicial circuit.

Term of judge; adjoining judges to hold court. SECTION 3. Such circuit judge elected at the special judicial election provided for in the last preceding section shall enter upon the discharge of his duties as such and hold his office for a term commencing on the first Monday in May, A. D. 1905, and ending on the day preceding the first Monday in January, A. D. 1912. His successor shall be elected at the regular judicial election held in the year 1911 and shall hold office for a term of six years, such term to commmence on the first Monday in January next succeeding such election. Until the circuit judge elected in and for said eighteenth judicial circuit shall enter upon the discharge of the duties of the office, the circuit judges of adjoining circuits in which the several counties comprising said eighteenth judicial circuit are now situate and to which they now belong respectively, are authorized to hold court and exercise all the powers and authority of a judge at chambers within the county or counties hitherto forming a part of their circuits respectively. All court commissioners now acting as such in any county within said eighteenth judicial circuit, shall continue to hold their office until the first day of May, A. D. 1905.

Circuit judges; jury commissioners continued. SECTION 4. Circuit judges now in office in the judicial circuits numbered from one to seventeen inclusive, shall continue to hold said offices and to act as such judges of the same numbered circuits respectively, notwithstanding any changes hereby made in the boundaries thereof, during the remainder of the unexpired terms for which they were severally elected. The jury commissioners now acting as such in each of the counties of this state shall con-

tinue to hold their office and to serve as such commissioners until their successors shall have been selected in the manner required by law.

Terms and powers continued. SECTION 5. Except as otherwise herein provided, the terms of the circuit courts in the several counties of the state, and the powers heretofore conferred upon and now exercised by said courts at such terms, shall continue unchanged and remain in all respects as now provided by law.

Terms of court. SECTION 6. The fourth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

THIRD CIRCUIT. In the county of Calumet on the third Monday in March and * * * the first Monday in October; * * * in the county of Winnebago on the first Monday *of May, 1905, and thereafter on the second Monday of September, the second Monday of January and the second Monday of April in each year.* A special term shall be held in Winnebago county on the *second Monday in June, but no jury shall be drawn for such special term of court.* * * *

The fifth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

FOURTH CIRCUIT. In the county of Sheboygan on the second Monday in April and the third Monday in September; in the county of Manitowoc on *the first* Tuesday after the second Monday in January, and the *first* Tuesday after the first Monday in June; in the county of Kewaunee, on the second Monday in May and the third Monday in October. * * *

The sixth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

FIFTH CIRCUIT. In the county of Grant, on the third *Monday* in February and the second *Monday* in October; in the county of Iowa, on the *fourth* Monday in March, and the fourth Monday in September; in the county of La Fayette, on the *first Monday* in June and the first *Monday* in December; in the county of Richland, on the second Tuesday in April and the second Tuesday in September; in the county of Crawford, on the *second* Tuesday *before the first Monday in June* and the second Tuesday in November.

The eighth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

SEVENTH CIRCUIT. In the county of Adams, on the second *Monday* in June and the third Tuesday in December; in the county of Portage, on the fourth Monday in March and the third Monday in November; in the county of Waupaca, on the first Monday in March and the fourth Monday in October; in the county of Waushara, on the last *Monday* in April and the third *Monday* in September; in the county of Wood, on the second Monday in May and the first Monday in October.

The tenth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

NINTH CIRCUIT. * * * In the county of Dane, on the second Monday in January, *the third Monday in March, the third Monday in May and the second Monday in October;* * * * in the county of Sauk, on the second Tuesday in *April,* the *second* Tuesday in *September and the first Tuesday in December. No jury shall be summoned for the term to be held in the month of March in said county of Dane.*

The fifteenth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

FOURTEENTH CIRCUIT. In the county of Door, on the first Tuesday in February and the *first* Tuesday after the first Monday in September; in the county of Marinette, on the first Monday in October, the second Monday in January and the first Monday in May; in the county of Oconto, on the second Monday in April and *the second Monday in* November; in the county of Brown, on the last Monday in November, the first Monday in March and *the first Monday in* June * * * The jurors for each term of the counties of Brown, Oconto and Marinette shall be summoned to appear at or before nine o'clock A. M. on the second day *of the term.*

The sixteenth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

FIFTEENTH CIRCUIT. In the county of Ashland on the * * * *second* Monday in *April* and the *third* Monday in September; in the county of Bayfield on the *second* Monday in *May* and the third Monday in October; * * * in the county of Gates on the first Tuesday after July 4th and the second Monday in December; in the county of Iron on the *second* Mon-

day in June and the *fourth* Monday in November; in the county of Price on the *fourth* Monday in *June and the first Tuesday after the first Monday in January;* in the county of Sawyer on the *first* Monday in *June* and on the *second* Monday in *November;* in the county of Taylor *on the last Monday in March* and * * * the first Monday in *September.* * * *

The eighteenth paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows:

SEVENTEENTH CIRCUIT. In the county of Jackson on the first Monday in March and *on* the *second* Monday in *October;* in the county of Eau Claire on the third Monday in March and *the third Monday in* September * * * ; in the county of Clark on the third Monday in April *and on the fourth Monday in November.* * * *

Amend section 2424 of the statutes of 1898 by adding the following after the eighteenth paragraph of said section:

EIGHTEENTH CIRCUIT. *In the county of Fond du Lac on the second Tuesday in February, the first Tuesday in May, the second Tuesday in September and the first Tuesday after the second Monday in November; in Green Lake county on the first Tuesday after the third Monday in January and the first Tuesday after the third Monday in June; in the county of Marquette on the second Tuesday in April and on the second Tuesday in October; in the county of Columbia on the first Tuesday in March, the first Tuesday in June and the first Tuesday in December. No jury shall be summoned for the terms appointed for February and September in Fond du Lac county and for June in Columbia county, unless specially ordered by the presiding judge.*

Terms of court generally. Amend the last paragraph of section 2424 of the statutes of 1898 so that the same shall read as follows:

Every term in any county shall be a special term for the whole circuit unless the court by order filed in the clerk's office at least twelve days before any such term shall otherwise order as to such county. *The court shall always be open for the transaction of all business in each of the counties from the beginning of one term until the beginning of the next term in the same county, and an order or direction for the adjournment of any term from day to day or to a specified day and the entry thereof shall not be necessary to the validity of any judgment, sentence, order or*

proceeding therein; but for such days as the court is not convened in regular session, no officer, except the clerk, shall receive any per diem for attendance upon the court, unless by order of the presiding judge. When business is transacted by the court on days when the court is not convened in regular session, an entry of the business done shall be made by the clerk in his minute book. No term of court shall be at an end until the beginning of the next succeeding term in that county, unless an express order for final adjournment is made and entered before the commencement of the next succeeding term in the same county. The intervening of any special term shall not interrupt the existence or the running of any general term, but such general term shall continue to the beginning of the next general term, unless adjourned by order of court. Whenever it shall appear that there is no necessity for a jury at any general term of court in any county, the presiding judge of the court may, at least fifteen days before the opening day of such term, file an order with the clerk of such court, directing that no jury be summoned at such term; when such order is filed, no jury shall be summoned at such term; one term may be adjourned beyond the beginning of the next term in the same county for such specific business as is named in the order of adjournment.

Conflicting laws repealed. SECTION 7. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1905.

No. 392, S.] [Published March 11, 1905.

CHAPTER 7.

AN ACT relating to the terms of court in the fifth judicial circuit, and amendatory of chapter 13, of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fifth circuit. SECTION 1. Chapter 13 of the general laws of Wisconsin for the year 1901 is hereby amended so as to read as follows: The subdivision of section 2424, Wisconsin statutes 1898, on page 1748 of said statutes, which fixes the times for the holding of terms of court in the fifth judicial circuit is hereby amended so that * * * subdivision when amended shall read as follows: Fifth Circuit: In the county of Grant on the third Monday in February and the second Monday in October; in the county of Iowa on the *fourth* Monday in March and the fourth Monday in September; in the county of Lafayette on the first Monday in June and the first Monday in December; in the county of Richland on the second Tuesday in April and the second Tuesday in September; in the county of Crawford on the second Tuesday before the first Monday in June and the second Tuesday in November.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 10, 1905.

No. 55, S.] [Published March 13, 1905.

CHAPTER 8.

AN ACT amending chapter 115 of the laws of 1879, and relating to the jurisdiction, procedure, powers and duties of the judge, of the municipal court for Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

COURT AND JUDGE.

Municipal court created. SECTION 1. There is hereby constituted and established in the city of Wausau and county of Marathon a municipal court for which purpose said city of Wausau and county of Marathon are hereby declared a municipality. The jurisdiction of said court shall extend to all parts of Marathon county.

Court how designated and where held; seal. SECTION 2. The name of such court shall be the municipal court for Marathon county, and its judge, the municipal judge of Marathon county. Such court shall be held at the city of Wausau in a suitable place in the court house, to be provided, furnished and maintained by said Marathon county. The county board of said county may however provide such quarters in said city outside of said court house if deemed necessary. Such court shall be a court of record with a seal, to be designed and procured by the judge at the expense of the county.

Qualifications; election and term of judge; vacancies how filled. SECTION 3. Said municipal judge shall have the qualifications and be subject to the liabilities, prohibitions and restrictions of a circuit judge. The present municipal judge of Marathon county shall continue in office as municipal judge under this act, until the expiration of the time to which he was elected. His successor shall be elected by the qualified electors of Marathon county at the spring election in the year 1908 and once every four years thereafter and his term commence on May 1st, after election. He shall hold his office until his successor is elected and qualified. Before entering upon the duties of such office, he shall subscribe and file in the office of the clerk of the circuit court of Marathon county the constitutional oath of office. Vacancies in such office shall be filled in the

same manner as vacancies in the office of a county judge of Marathon county.

Salary of judge; how paid. SECTION 4. The salary of such office shall, until otherwise determined by the county board of Marathon county, be two thousand dollars ($2,000.00) per annum, payable quarterly out of the treasury of Marathon county, and said board is empowered to fix the salary of said judge in the same manner as the salaries of other county officers, and all fees and perquisites of such office shall be paid to the treasurer of Marathon county on the first secular day of each calendar quarter and belong to said county. If not so fixed, it shall be the same as for the preceding term and until so fixed, shall be $2,000.00 per year.

Temporary disability of judge. SECTION 5. In case of sickness, temporary absence or disability of such judge, he may, by filing an order to that effect, appoint the county judge or any justice of the peace of the city of Wausau to hold such court in his place, for the trial of all actions there pending of which a justice court would have jurisdiction, and actions for the violation of municipal ordinances. In such contingency, he may also, by order, transfer to the circuit court for Marathon county, any and all other actions and upon the filing of such order with the clerk of such circuit court, such circuit court shall have jurisdiction thereof and shall thereafter proceed as if originally brought in such circuit court.

CLERK.

Clerk, qualifications and duties. SECTION 6. The clerk of the circuit court for Marathon county and his deputy shall be clerk and deputy respectively of such municipal court. Such clerk, in addition to his oath and bond as clerk of the circuit court, shall file an additional oath of office as the clerk of said municipal court and shall execute and file with the county clerk a bond with two official sureties approved by such clerk in such sum as said municipal judge shall designate, conditioned that he will pay over to the proper persons all fines and penalties, suit-taxes, and other moneys in his hands as required by law and the order of said court, and will faithfully perform the duties of said office as required by law. Said clerk shall have all the power and perform all the duties with reference to said municipal court in the same manner as the clerk of the circuit court has and does for that court except as otherwise herein provided.

Judgments, how docketed. SECTION 7. He may docket all judgments rendered in said court in the same manner as circuit court judgments are docketed and in the same judgment dockets, which, when done, shall be liens and enforced in the same way as judgments of the circuit court.

Civil suit how taxed; disposition of fees and fines. SECTION 8. The clerk shall charge one dollar ($1.00) state tax on every civil suit in said court before filing any papers, and on actions proceeding according to circuit court procedure, the same fees as in circuit court and on those according to justice court procedure the same as allowed in justice court. He shall retain as his compensation such fees on circuit court actions, and the fees for docketing justice court judgments, and issuing execution on such docketed judgments, and ten per cent of the other fees in justice court actions, and shall quarterly pay to the county treasury all sums collected for state tax, 90 per cent of justice court fees, and all fines and forfeitures where the state is prosecutor. He shall quarterly pay to the treasurer of the city of Wausau all fines and forfeitures where the city is prosecutor.

JURISDICTION.

Jurisdiction of court; criminal. SECTION 9. Such municipal court shall have concurrent jurisdiction with the circuit court of Marathon county of all criminal actions and proceedings of every kind, except trials for murder.

Jurisdiction of court; civil. SECTION 10. Such court shall have civil jurisdiction to hear, try and determine all actions and proceedings at law and in equity, including bastardy proceedings, concurrent with the circuit court for Marathon county except actions involving money or property where the amount of the claim or value of the property in controversy, exclusive of costs, exceeds $25,000.00. If the property affected exceeds the value of $25,000.00, but the lien or interest claimed therein is less than $25,000.00, exclusive of costs, such court shall have jurisdiction.

Jurisdiction concurrent with justice of the peace; cases arising under city charter. SECTION 11. Such court shall have civil and criminal jurisdiction concurrent with justice of the peace of Marathon county. Such court shall have exclusive jurisdiction of all actions and offenses for the violation of or to recover a forfeiture or penalty under the charter, ordinances, rules and by-laws of the city of Wausau.

Justice of the peace may bind over person for trial to municipal or circuit court. SECTION 12. In all proceedings in any justice court of Marathon county where any person shall be bound over for trial, such justice may bind such offender over for trial either to the circuit court or municipal court of said county, whichever the defendant or a majority of them if several are bound over jointly, may designate, but if not so designated, then to whichever such justice may elect.

In all such proceedings in said municipal court, any person so bound over for trial shall be bound over for trial in said municipal court, with the same procedure in all respects as if bound over by a justice of the peace to the circuit court.

PROCEDURE.

Powers of court; rules of procedure. SECTION 13. Except as hereinbefore specifically provided, said court shall have all of the powers, issue all writs, orders and process throughout the state and follow the rules of pleading and procedure applicable in the circuit court, except as otherwise herein provided, in all actions of which a justice court would not have jurisdiction and all other actions commenced by process of the form used in circuit court. In all actions of which a justice court would have jurisdiction, the court shall have the same power, issue all writs and process throughout the county, and follow the rules of procedure applicable in a justice court, except as herein otherwise provided, and except that all pleadings shall be in writing.

Method of procedure in certain cases. SECTION 14. In actions of which either a justice or circuit court would have jurisdiction, the form of the process shall determine the method of procedure and territorial limits for service of process.

Objection to procedure; how waived. SECTION 15. In any action, proceeding according to circuit court procedure, any objection that the procedure should be according to justice court procedure, or in any action proceeding according to justice court procedure, any objection that the procedure should be according to circuit court procedure, shall be deemed waived unless made before commencing to strike a jury or if no jury empaneled, before entering on the trial. If any such objection be made in time either by motion, pleading or objection at any stage, and be sustained, such action shall be dismissed with costs, unless the court shall expressly find that the same was started in good faith, believing the procedure taken to be proper, in which case the court may in its discretion retain the

action and order it to continue on such terms and with such rectification of pleadings and procedure as may be proper in the interest of justice.

Procedure where title to land involved. SECTION 16. In any action proceeding according to justice court procedure, if the defendant shall at the time and in the manner provided in sections 3619 and 3620 R. S. make an affidavit that the title of land will come in question, and give a bond of the amount and form there provided, that if on the trial judgment be rendered against him on such issue of title, he will pay such judgment, the case shall thereafter proceed in said court according to the same procedure as if it were removed on such issue and bond to the circuit court.

Costs and fees; how taxed. SECTION 17. Costs shall be allowed and taxed and officers allowed to charge parties in civil actions and receive from the county in criminal actions such fees for services as would be allowed in circuit court, for circuit court actions and as would be allowed in justice court for justice court actions.

CHANGE OF VENUE.

Change of venue. SECTION 18. In any action of which a circuit court would have jurisdiction, any change of venue on grounds other than prejudice of the judge may be made to any circuit court to which the same might be sent, if such action were pending in the circuit court for Marathon county and the change of venue made by that court.

Change of venue for prejudice of judge. SECTION 19. In any such action where a change of venue is claimed because of prejudice of the municipal judge, he shall change the venue either to the circuit court of Marathon county, or to a county of some adjoining circuit, as he may elect. There shall be a change of venue of actions proceeding as justice court actions to the nearest justice as in justice court.

JURIES.

Jury commissioners, qualifications, powers and duties. SECTION 20. The judge of said court shall appoint three persons to act as jury commissioners, who shall hold for the tenure of office, have the qualifications, powers and duties and in all respects serve for said municipal court the same as circuit court commissioners as provided in chapter 116, Wisconsin statutes. In addition to making a list of names of citizens of Mar-

athon county at large qualified for jury service, they shall also make a similar list, kept and treated in the same way, of citizens of the city of Wausau eligible for jury service.

Trial by jury, when; jury how drawn. SECTION 21. If within ten days after joining issue or pleading to an information in any circuit court jury action or filing the return on appeal from justice court, either party shall serve and file a written demand for a trial by a jury of the county, the case shall be so tried. If no such demand be so served and filed, a jury shall be empaneled as follows: On the day set for trial (or on a previous day, if the parties so agree) the clerk shall draw from the names in a box kept for that purpose, containing all the names of the jurors named on the list made up of citizens of the city of Wausau, not excused or serving on some other jury in this or some other court, forty names by lot and write them upon a list. The parties shall then strike from such list alternately beginning with the plaintiff, one name at a time until each party has struck twelve names. If any parties, either plaintiff or defendant, are entitled to separate challenges under the rules of separate challenges, in circuit court, there shall be drawn from such box thirteen additional names for each party or parties so entitled to separate challenges, and they shall also strike twelve names the same as the other parties do. When all strikes have been made, a venire shall be issued for the remaining named persons to serve as jurors, returnable forthwith. After hearing and granting excuses, if more than twelve jurors remain. the clerk shall draw by lot as jurors' names are drawn, enough from such remainder to reduce their number to twelve, which remaining twelve shall be the jury. "If less than twelve jurors remain after granting excuses, the clerk shall draw in the same manner as before such additional names as the court shall order to complete the jury, and such additional jurors shall be forthwith summoned and the jury completed." Jurors excused or retired by lot shall draw pay for one-half day and mileage. In justice court actions, juries shall be drawn as in justice court. If any party refuse or neglect to strike from the list when required, the judge shall strike in his stead.

Expenses of court, how paid. SECTION 22. All jurors, court stenographers, officers and other court expenses shall be paid on the order of the judge out of the treasury of Marathon county, the amount and method of payment to be either according to the practice in circuit court or in justice court, as each case may be, except that the court stenographer shall receive only five dollars per day besides fees for transcripts.

TERMS AND TRIALS.

Terms and trials of court. SECTION 23. Such court shall be open for business on all secular days except as the judge thereof may otherwise order. Any circuit court action may be brought on for trial at any time by consent, or after issue joined or information pleaded to, by fifteen days' notice of either party, specifying the date for trial, which date, however, shall first be approved by the judge. Continuances or adjournments may be granted for cause, and shall be to a day certain unless the parties consent otherwise, in which case new notices of trial must be given or agreement had.

Judge to fix date for jury trials. SECTION 24. The judge of said court shall set certain dates not less than one each year, when he will take up for trial in the order of issue joined and without a notice of trial being served, all jury cases in which either party shall have demanded a jury of the county as above provided. A jury of thirty-six jurors shall be procured for such term from the list furnished by the jury commissioners of citizens of the county and in all such cases juries shall be drawn and empaneled as in circuit court. If on the date for drawing such jury, there shall be no cause for trial in such manner, commenced since the last such term, or for any other good cause, the judge may by order dispense with the drawing of such jury from the county for that date set.

APPEALS.

Appeals from justice courts. SECTION 25. Appeals from any justice court of Marathon county in all actions except where the venue had been changed from the municipal court to such justice court, may be taken to the municipal court of said county within the same time and in the same manner as to the circuit court, and shall be so returned by the justice when so taken to said municipal court.

Appeals to circuit court. SECTION 26. In any justice court action tried in said municipal court, an appeal may be taken to the circuit court for Marathon county within the same time and in the same manner as from a justice court or at appellant's option, a bill of exceptions of the evidence and rulings of the judge may be settled within thirty days after judgment the same as in circuit court, and when so settled an appeal may be taken direct to the supreme court within sixty days after judg-

ment in the same manner as from a circuit court. An appeal to either court shall be a waiver of the right of appeal here given to the other court, but not of the right of appeal from the circuit court to the supreme court after trial of such appeal in the circuit court.

Appeals to supreme court. SECTION 27. In circuit court actions, appeals may be taken to supreme court within the same time and in the same manner from all judgments and orders the same as may be done from the circuit court.

REPEAL OF FORMER ACTS.

SECTION 28. Chapter 115 of the laws of 1879, except section 2 thereof and chapter 295 of the laws of 1897, are hereby repealed and this act passed as an amendment thereto.

SECTION 29. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1905.

No. 63, A.] [Published March 14, 1905.

CHAPTER 9.

AN ACT relative to the establishment of a second municipal court in and for the county of Dunn.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Second municipal court created; seal for court; effect of. SECTION 1. A second municipal court in and for the county of Dunn is hereby established, under the name of the second municipal court of Dunn county, with the powers and jurisdictions hereinafter specified and provided. Said court shall have a seal with suitable device to be procured under the direction of the judge of said court at the expense of Dunn county, and all papers, depositions, certificates, acknowledgments, communications and other documents, accepted and signed by said judge, when sealed with the seal of said court shall be evidence

in all courts and places in this state and shall have the same effect as the seal of all courts of record.

Civil and criminal jurisdiction of; judgment by confession. SECTION 2. Said second municipal court and the judge thereof shall take cognizance of and shall have jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of the debt, damages and demand and penalty of forfeiture shall not exceed the amount of five hundred dollars; all actions to recover the possession of personal property, with damages, for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars; all actions arising under chapter 145 of the statutes of 1898, when the amount claimed shall not exceed five hundred dollars; all charges for criminal offences, including bastardy, arising within said county which are not punishable by commitment to state prison, and all offences arising under the charter and ordinances of all duly incorporated cities and villages within said county; said judge shall have power and jurisdiction throughout the county to cause to be brought before him all persons who may be charged with having committed any criminal offense and to issue process therefor and to commit them to jail or require bail, as the case may require; he shall have the jurisdiction, authority, powers and rights given by law to justices of the peace, provided, however, that nothing herein contained shall be construed to give said municipal judge cognizance of or jurisdiction over any action mentioned in subdivisions 1, 2 and 3 of section 3573 of the statutes of 1898. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court as far as applicable, and all appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. On and after the appointment or election and qualification of the municipal judge, as herein provided, no justice of the peace in said county shall have jurisdiction over any criminal examination, trial and proceeding, including bastardy, provided, however, that any such justice of the peace may issue warrants returnable to said second municipal court of said county; but nothing in this act shall be construed as in any manner affecting the jurisdiction of any justice of the peace to hear, try and determine any criminal proceeding or any action for the violation of any city or village ordinance now pending in such court, or which may be commenced before the judge of said second municipal court shall

enter upon the duties of his office, in addition to the jurisdiction as aforesaid, a judgment of confession may be entered by the judge of said court, in any sum not exceeding one thousand dollars, without action, whether for money due or to become due, or to secure any person against a contingent liability on behalf of the defendant, or both, if a verified statement be made by the defendant to the following effect:

First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the judge of said court.

Second. If it be for money due or to become due, it shall state concisely the fact or facts out of which the indebtedness arose and must show that the amount confessed is justly due or to become due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely all facts constituting a contingent liability and must show that the amount confessed does not exceed the same.

Election of judge; term; vacancy. SECTION 3. On the first Tuesday in April, 1905, and every four years thereafter, there shall be elected in the county of Dunn in the same manner as county judges are elected, a judge of said second municipal court, who shall hold his office for a term of four years from the first Monday of May next following his election, and until his successor is elected and qualified, and in case of a vacancy occurring in the office of the said municipal judge, such vacancy shall be filled by appointment by the governor of this state, and the person so appointed shall continue in office for the residue of the term for which his predecessor was elected or appointed; provided, however, that upon the passage and publication of this act, the office of the judge of said court shall be deemed vacant and shall be filled by appointment by the governor within thirty days thereafter, and the person thus appointed shall hold office until the first Monday in May, A. D. 1905, or until his successor is elected and qualified.

Judge to take oath and give bond. SECTION 4. The judge of said municipal court shall hold no other county office during the term for which he was elected or appointed. The said judge shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same with the clerk of the circuit court of Dunn county, and execute to the said county a bond in the sum of one thousand dollars,

with two or more sureties to be approved by the county treasurer of said county, conditioned upon the faithful performance of the duties of said office and the faithful accounting of all moneys, properties and effects which may come into his hands by authority of the said office, and shall record and file the same as provided by section 702 of the statutes of 1898.

Court, where held; temporary disability of judge. SECTION 5. The judge of said second municipal court shall hold his office in the village of Colfax, in said Dunn county, in a suitable room, furnished, cared for and provided for such purpose by said county. In case of sickness, absence or temporary disability, the said municipal judge may, by order in writing, to be filed in said court, appoint the county judge, a court commissioner, or any justice of the peaec in said county, to discharge the duties of such municipal judge during such sickness, absence or disability, who shall have the powers of such judge when administering said office and shall be entitled to receive as compensation the per diem provided as hereinafter stated.

Judge to have court commissioner's powers. SECTION 6. The judge of the second municipal court of Dunn county shall be ex-officio court commissioner and shall have and may exercise all the powers conferred upon commissioners by section 2434 of the statutes of 1898 of this state, and every authority granted to and limitations of the powers of a court commissioner by the laws of this state shall be construed to extend to said municipal judge acting in such capacity, except when otherwise expressly provided, and the official designation of said court when so acting shall be "Judge of the Second Municipal Court of Dunn County."

Fees and salary of judge. SECTION 7. The municipal judge shall have and receive the same fees in all civil actions as are now allowed by law to justices of the peace, and is empowered to tax the same. For his services in conducting criminal trials and examinations, he shall receive a salary at the rate of two hundred dollars per annum, payable monthly out of the county treasury of Dunn county, in the same manner as salaries of other county officers are paid, to and until the first regular meeting of the county board of supervisors of Dunn county, next after the passage and approval of this act, and thereafter said county board shall fix the amount of his salary as such judge, which shall be paid out of the county treasury

of Dunn county, as aforesaid, in the same manner as the salaries of other county officers are paid, and the said salary to be in full for all services in conducting criminal trials and examinations, but in all criminal actions and proceedings he shall tax the same fees, as justices of the peace are now allowed to tax. He shall pay into the county treasury all the fines, costs and fees received by him in any criminal matter or proceeding. On the first day of November of each year he shall file with the county clerk a statement under oath of the fees by him paid to the county treasury.

Proceedings in lieu of change of venue. SECTION 8. No action, examination or other proceedings shall be removed from said court, except as hereinafter provided; if prior to joining issue in any case and prior to any examination or other proceeding, it shall appear by affidavit that the municipal judge is a material witness or is in any way related to either of the parties, or from prejudice the municipal judge will not decide impartially in the matter, the said municipal judge shall notify the county judge or some justice of the peace or court commissioner in said county not disqualified to hear said examination, trial, or other proceeding, whereupon it shall be the duty of the said justice or county judge or court commissioner to forthwith appear at the court room of the said municipal court, and discharge the duties of the judge of said court on the trial of said case or the hearing of said examination or other proceeding, as the case may be, with like effect, as the said municipal judge would if not disqualified to act; provided, however, that in matters or proceedings of which justices of the peace have not jurisdiction, the county judge or court commissioner shall be called to preside over said court. The magistrate so acting in any criminal proceeding shall receive as full compensation therefor the sum of two dollars for each half day he shall actually or necessarily spend in said examination or other proceeding and shall be paid out of the county treasury upon presentation of a bill therefor to the county board and allowance thereof, and in case of civil actions he shall be entitled to the fees provided for in section 7.

Service of process. SECTION 9. The sheriffs and constables of Dunn county shall be officers of said court and may serve its processes and carry into effect its lawful orders and judgments and shall be entitled to the same fees as are allowed

constables in justice courts, and shall be subject to the same liabilities and penalties.

Reporter, compensation of. SECTION 10. The municipal judge may, in his discretion, on the written request of either party to a civil action, or on like request by the district attorney in a criminal case or examination, call in a stenographic reporter, skilled in the art of shorthand, to take the testimony in such action or proceeding and may file the said reporter's notes in lieu of the testimony required by law to be taken by justices of the peace in like proceedings. In case of appeal in any civil action or proceeding, when so requested by the appellant, said reporter shall transcribe said testimony in longhand and the fees for such transcribing, not to exceed five cents per folio, shall be taxed as a part of the judge's fees in the case. Said reporter shall receive such compensation for taking testimony as shall be allowed by the said municipal judge, not to exceed four dollars for each day, and two dollars for each half day actually engaged in taking testimony to, and until the first regular meeting of the county board of supervisors of Dunn county, and said reporter shall thereafter have and receive such compensation as shall then be fixed by the said county board, and it shall be the duty of the said board to fix the compensation of the said stenographic reporter at said time. In said civil actions and proceedings, said compensation shall be fixed as a part of the costs in lieu of the fees now allowed to justices of the peace for taking testimony, and in criminal proceedings the same shall be paid out of the county treasury upon a certificate of the municipal judge. Section 2439 of the statutes of 1898 shall apply to said reporter of such court.

Separate civil and criminal dockets; stationery, etc., who to furnish. SECTION 11. The judge of the said municipal court shall keep one docket for criminal trials, proceedings and examinations, and a separate docket for all civil actions and proceedings, and all docket entries and all processes shall be made, kept and filed in the same manner as far as practicable, as is now required of justices of the peace. All necessary blanks, dockets and stationery for the proper conduct of the said court shall be furnished by the county of Dunn. All documents and records of the said municipal court shall be public records and open to the inspection of all persons at reasonable hours.

Attorney's fees. SECTION 12. In all actions in the said municipal court, attorney's fees shall be allowed to the prevailing party as is provided in subdivision 4 of section 3775 of the statutes of 1898.

Trial by jury. SECTION 13. Trial by jury may be had in said municipal court in the same manner as is now provided for courts of justices of the peace.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1905.

No. 40, A.] [Published March 14, 1905.

CHAPTER 10.

AN ACT to authorize the school board of the high school district of the village of Mt. Horeb in Dane county to borrow money from the trust funds for the purpose of purchasing a school house site and the school building thereon, and to authorizing the commissioners of public lands to grant a loan for that purpose.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School board authorized to borrow money for school purposes. SECTION 1. The school board of the high school district of the village of Mount Horeb in Dane county, is hereby authorized to borrow from the trust funds for the purpose of purchasing a school house site and school building thereon, a sum not exceeding six thousand dollars.

Commissioners of public lands authorized to grant loan. SECTION 2. The commissioners of the public lands are hereby authorized to grant a loan for the purpose expressed in section 1 of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1905.

No. 10, A.] [Published March 14, 1905.

CHAPTER 11.

AN ACT to authorize the village of Spooner, in Washburn county, to construct and maintain a dam across the Yellow river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dam authorized; location. SECTION 1. For the purpose of supplying power with which to operate a system of water works and electric lights, in the village of Spooner, in Washburn county, the said village of Spooner is hereby authorized and empowered to construct, build and maintain a dam across the Yellow river on the northwest quarter of the southeast quarter of section thirty-one in township thirty-nine north, of range twelve west, in said village of Spooner, in Washburn county, said dam not to exceed fifteen feet in height from the bottom of the stream.

Fishway. SECTION 2. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam.

Powers conferred. SECTION 3. The village of Spooner, for such purpose, by its proper officers, shall have full power and authority to enter upon and take any lands necessary for such purposes; provided that the damages which the owner or owners of the lands adjacent thereto may sustain by reason thereof, shall be assessed, settled and ascertained in the manner provided in chapter 146 of the statutes of 1898, entitled "Of mills and mill dams."

Powers reserved. SECTION 4. The power to alter, amend or repeal this act is hereby reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1905.

No. 5, A.] [Published March 15, 1905.

CHAPTER 12.

AN ACT in relation to corporations and to amend chapter 100 of the laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Voting of stock held by one corporation in another. SECTION 1. Chapter 100 of the laws of 1899, is hereby amended so as to read as follows:

Chapter 86 of the statutes of 1898 is hereby amended by adding a new section to be numbered and to read as follows: Section 1776a. In all cases in which one corporation shall hold stock in another, such stock shall, at all meetings of the stockholders of the latter corporation be voted by the president of the former, unless its board of directors, by resolution adopted at any regular or special meeting of such board, designate some other *person* for that purpose; and any one or more officers of the former corporation may be chosen, qualify and act as directors and officers of the latter corporation, as in the case of other stockholders.

SECTION 2. This act shall take effect and be force from and after its passage and publication.

Approved March 14, 1905.

No. 17, S.] [Published March 20, 1905.

CHAPTER 13.

AN ACT to amend section 2 of chapter 439 of the laws of 1903, relating to the rate of taxation in counties, towns and school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional school tax levy limited to two per cent. SECTION 1. Section 2 of chapter 439 of the laws of 1903 is hereby amended by striking out the word "one" where the same appears in the seventeenth line of said section, and inserting in lieu thereof the word "two;" so that said section when so amended shall read as follows: "Section 2. Subdivision 1 of section 776 of the statutes of 1898, relating to the powers of town metings, is hereby amended so as to read as follows: Roads and bridges. 1. To vote to raise money for the repair and building of roads or bridges, or either; for the support of the poor and defraying all other charges and expenses of the town; provided, however, that the total taxes levied in any town for any one year for all town purposes, exclusive of school taxes and liabilities heretofore lawfully incurred, shall not exceed in the whole, one and one-half per centum of the total assessed valuation of such town for the preceding year, as equalized by the town board of equalization, unless a larger sum is needed for the building or repairing of highways or bridges, in which case the electors may vote and the proper authorities may levy, not to exceed one-half of one per centum in addition to the aforesaid one and one-half per centum; provided, further, that not exceeding *two* per centum additional may be levied for school purposes when under the township system of school government."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1905.

No. 140, S.] [Published March 20, 1905.

CHAPTER 14.

AN ACT to amend section 4, chapter 337, laws of 1889, relating to salary of register in probate court of Dodge county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of register in probate; how fixed. SECTION 1. Section 4, of chapter 337, laws of 1889, is hereby amended so as to read as follows: Section 4. Such register in probate shall receive an annual salary *to be fixed by the county board of Dodge county,* which shall be paid by the county of Dodge, and the county treasurer of said county shall pay the same *monthly* and the same shall be in full compensation for the performance of the duties of such register in probate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1905.

No. 36, S.] [Published March 20, 1905.

CHAPTER 15.

AN ACT to legalize the defective organization and defective change of boundaries of towns by county boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns when held to be lawfully organized. SECTION 1. Any and every town heretofore organized or attempted to be organized by any ordinance or resolution of any county board

in this state, and which has held its annual town meeting, elected its town officers and entered upon and exercised the powers, functions and franchises of a town, shall be taken and held to have been lawfully so organized, and no defect, irregularity, omission or informality in any proceedings, ordinance or resolution, whether formal or jurisdictional, for the purposes aforesaid, heretofore made or taken shall affect or invalidate such ordinance, resolution or proceeding.

Change of boundary; when held to be legal. SECTION 2. Whenever any county board in this state shall heretofore have attempted to change the boundary or boundaries of any town or towns by the passage of an ordinance or resolution and such ordinance or resolution shall have been ratified by the towns interested by the assessment and levy of taxes in accordance with such change of boundary or boundaries, such ordinance or resolution shall be taken and held to have been lawfully enacted and passed and no defect, omission, irregularity or informality in the proceedings by which such ordinance or resolution was enacted or passed whether formal or jurisdictional, shall affect or invalidate such ordinance or resolution.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1905.

No. 35, S.] [Published March 20, 1905.

CHAPTER 16.

AN ACT relating to service by publication and amending section 2640 of the statutes of 1898, as amended by section 1 of chapter 48 of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Application, date of filing. SECTION 1. Section 2640 of the statutes of 1898 as amended by section 1 of chapter 48 of the laws of 1901, is hereby amended by adding at the end of the second sentence thereof the words, "which application and order shall be filed within ten days after the date of said order;" so that said section when so amended shall read as follows:

Application for order; when made; what to contain; first publication. SECTION 2640. The order mentioned in the preceding section shall be made by the court or a judge thereof within ten days after the date of the affidavit herein required. The application therefor shall be based upon the complaint, duly verified and filed, and an affidavit, together showing the facts required to exist and that the plaintiff is unable, with due diligence, to make service of the summons upon the defendant in respect to whom such order is applied for, and also the postoffice address of such defendant or that the plaintiff is unable, after due diligence, to ascertain it, *which application and order shall be filed within ten days after the date of said order.* The order shall direct that service of the summons be made by its publication in a newspaper to be designated as most likely to give notice to the defendant to be served, for such length of time as shall be deemed reasonable, not less than once a week for six weeks, and that on or before the day of the first publication, the plaintiff deposit, in a specified postoffice, a copy of the summons, together with a copy of the complaint, or of a notice of the object of the action as the case may require, securely enclosed in an envelope, the postage duly paid, addressed to the defendant at his postoffice, to be therein named, or a direction that such deposit may be omitted because the defendant's postoffice address cannot be ascertained;

or that, at the plaintiff's option, a copy of the summons and a copy of the complaint or of the notice aforesaid be delivered to the defendant personally without the state; which, when done, shall have the same effect as a completed publication and mailing. The first publication must be made within three months from the date of such order, and service shall be deemed complete at the expiration of the full period prescribed by the order after the date of the first publication, copies having been duly deposited in the postoffice when required.

SECTION 2. This act shall take effect and be in force from and after June 1st, 1905.

Approved March 17, 1905.

No. 1, S.] [Published March 20, 1905.

CHAPTER 17.

AN ACT to amend section 2345 of the statutes of 1898 so as to enable a married woman to maintain an action in her own name for the alienation and loss of the affections and society of her husband.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Married woman; action for alienating husband's affections.

SECTION 1. Section 2345 of the statutes of 1898 is hereby amended so as to read as follows: Section 2345. Every married woman may sue in her own name and shall have all the remedies of an unmarried woman in regard to her separate property or business and to recover the earnings secured to her by the two next preceding sections, and shall be liable to be sued in respect to her separate property or business, and judgment may be rendered against her and be enforced against her and her separate property in all respects as if she were unmarried. And any married woman may bring and maintain an action in her own name for any injury to her person or character the same as if she were sole. *She may also bring*

and maintain an action in her own name, and for her own benefit, for the alienation and the loss of the affection and society of her husband. Any judgment recovered in any such action shall be the separate property and estate of such married woman. * * * Nothing herein contained shall affect the right of the husband to maintain a separate action for any such injuries as are now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1905.

No. 16, S.] [Published March 20, 1905.

CHAPTER 18.

AN ACT to amend section 4713 of the statutes of 1898, as amended by chapter 273 of the laws of 1903, relating to the appointment and compensation of counsel for indigent defendants in criminal actions and proceedings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fee for defense of indigent defendant. SECTION 1. The compensation to counsel for indigent persons provided for in chapter 273, laws of 1903, shall be paid by the county treasurer upon presentation to him of the certificate of the clerk of the said court of the amount so allowed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1905.

No. 105, S.] [Published March 21, 1905.

CHAPTER 19.

AN ACT creating a grain and warehouse commission for the state of Wisconsin, and providing for licensing and regulating warehouses and elevators and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission created. SECTION 1. There is hereby created a grain and warehouse commission for the state of Wisconsin to consist of three members to be appointed by the governor of the state of Wisconsin, as hereinafter more particularly provided.

Commissioners, how appointed; eligibility. SECTION 2. Such commissioners shall be appointed by the governor of Wisconsin, but no person interested in any elevator or warehouse or in the transportation of grain or in the employ of any person or corporation owning or operating any elevator or warehouse or engaged in the transportation of grain, or in the employ of any common carrier shall be appointed to membership on such commission. Before making such appointment, the governor shall request the governor of the state of North Dakota, the governor of the state of New York and the board of trade of the city of Superior to respectively recommend a person or persons for appointment upon such commission, which said recommendations shall be taken into consideration by the governor in appointing such commissioners, but he shall not be confined to the persons so recommended in appointing such commissioners.

Term of office; vacancy; removal. SECTION 3. The commissioners appointed under this act shall hold their offices for the term of one year, and until their successors are appointed and qualified. And in case of any vacancy in such commission, the governor shall fill the vacancy for the unexpired term so made vacant in the same manner as original appointments are required to be made. And such commissioners shall be

subject to removal, for cause, by the governor in the same manner as county officers may be removed.

Oath of office; bond. SECTION 4. Each of such commissioners shall, before entering upon the duties of his office, take and file with the secretary of state his oath of office that he will support the constitution of the United States, of the state of Wisconsin and the laws thereof, and faithfully perform the duties of his office to the best of his ability, and shall also execute and file with the state treasurer a bond to the state of Wisconsin in the sum of five thousand (5,000) dollars, with sufficient surety to be approved by the governor of the state, and conditioned for the faithful performance of the duties of his office, and that he will fully account for any and all moneys which may come into his hands by virtue of his office, and that he will pay over such funds as herein directed.

Powers and duties of commission; appointment of inspectors and weighmasters. SECTION 5. It shall be the duty of the commission hereby created to superintend the inspection, weighing and grading of all grain milled or received for milling, bought or sold in the city of Superior, and of all grain received for storage, stored or shipped from any and all elevators and warehouses located in said city which are required to take out licenses under the provisions of this act. For the purpose of making such inspection, weighing and grading of grain, said commission shall have the power, and it shall be their duty to appoint a chief inspector and one or more deputy inspectors, a weigh master and one or more deputy weigh masters, and to adopt and publish rules and regulations governing the inspection, weighing and grading of grain delivered into or shipped out of any and all such elevators and warehouses in said city. And there is further granted to said commission full power and authority to make such further regulations as will enable them to fully comply with all the provisions of this act, including the granting of licenses to elevators and warehouses hereinafter provided for, and the establishment and collection of charges and fees for the inspection, weighing and grading of the grain.

Public warehouses defined. SECTION 6. All warehouses and elevators doing business for a compensation located in the city of Superior in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which

grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, and all elevators and warehouses located in said city in the business of storing and handling grain which issue warehouse receipts for such grain, are hereby declared to be public warehouses.

Public warehouseman required to procure license. SECTION 7. The owner, lessee or manager of any public warehouse in the city of Superior shall be required, before transacting any business, to procure from the grain and warehouse commission a license permitting him to transact business as a public warehouseman under and pursuant to this act, which license shall be issued by said grain and warehouse commission upon written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same, or if such warehouse be owned or managed by a corporation, the name of the president, secretary and treasurer of such corporation shall be stated, and such license shall give authority to carry on and conduct the business of a public warehouse pursuant to this act, and shall be revocable by said commission upon summary proceedings upon complaint of any person in writing setting forth the particular violation of the law, and upon satisfactory proof to be taken in such action in such manner and upon such notice as may be directed by the commission.

Applicant for license to file bond. SECTION 8. Before receiving such license, the person applying for the same shall file with the commission a bond to the state of Wisconsin in the penal sum of ten thousand (10,000) dollars, with good and sufficient sureties to be approved by the commission, conditioned for the faithful performance of his duty as a public warehouseman, and for a full compliance with all the laws of the state relating thereto; and shall pay to said commission a license fee of two dollars for each license so applied for, provided that where any person or corporation procures a license for more than one warehouse in said city, only one such bond need be given.

Penalty for transacting business without license. SECTION 9. Any person who shall transact the business of a public warehouseman within the city of Superior without first procuring the license herein provided, or who shall continue to transact

business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse) shall on conviction be fined a sum not less than one hundred or more than five hundred dollars for each and every day such business is carried on, and the commission may refuse to grant a new license to any person whose license shall have been revoked for a period of one year from the time of such revocation.

Duties of warehouseman; inspection charges. SECTION 10. It shall be the duty of every public warehouseman to receive for storage any and all grain that is dry and in a suitable condition for warehousing that may be tendered to him in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between the persons desiring to avail themselves of the warehouse facilities. Such grain to be in all cases inspected and graded by a duly authorized inspector appointed under the provisions of this act, and to be stored with grain of similar grade, but in no case shall grain of different grades be mixed together while in storage, except as hereinafter provided, though if the owner or consignee so requests and the warehouseman consents thereto, his grain of the same grade may be kept in a bin by itself apart from that of other owners, which bin must be marked and known as "special bin." If a warehouse receipt be issued for grain so kept in separate bins, it shall state on its face that it is for grain so stored in a special bin, and shall state the number of such bin, and all such special bin grain delivered from such warehouse shall be inspected on its delivery by a duly authorized inspector appointed under this act. Nothing in this section shall be construed to require the receipt of any kind of grain into any warehouse which has not sufficient room to contain or store it properly. The charges for inspection upon receipt and delivery shall be paid by the warehouseman, and may be added to the charge for storage. The grain and warehouse commission may recover such charges of the warehouseman, and for that purpose and for the purpose of fully carrying out the provisions of this act, the said commission may sue and be sued in the name of the "Grain and Warehouse Commission for the State of Wisconsin."

Issue of warehouse receipts. SECTION 11. Upon application of the owner or consignee of grain stored in public warehouses as defined in this act, accompanied with evidence that all

transportation and other charges which may be a lien upon such grain, including charges for inspection and weighing thereof, have been paid, and not otherwise, the warehouseman shall issue to the person entitled to receive the same a warehouse receipt therefor subject to the order of such owner or consignee, which receipt shall bear even date with the receipt of the grain in store, and shall state upon its face the quantity and grade of the grain as fixed by the inspection provided for in this act, and that the grain mentioned in said receipt has been received into store to be stored with grain of the same grade, and is deliverable upon the return of the receipt properly endorsed by the person to whose order it shall be issued and the payment of the proper charges for storage. All warehouse receipts for grain issued by the same warehouse shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same warehouse during any calendar year, except in case of a lost or destroyed receipt, in which case a new receipt may be issued which shall bear the same date and number as the original receipt, and shall have plainly stamped or marked across its face the word "duplicate." Each such receipt shall state, if the grain is received from cars, the number of each car together with the amount it contained; if from vessels, the name of such craft, together with the amount it contained; if from teams or by other means, the amount and manner of its receipt.

Issue of receipts, continued; cancellation of receipts. SECTION 12. Upon delivery of grain from store upon any receipt, such receipt shall have plainly stamped or marked across its face the word "cancelled," with the name of the person cancelling the same, and such receipt shall thereafter be void and shall not again be put in circulation, nor shall grain be delivered twice upon the same receipt. No receipt shall be issued except upon actual delivery of grain into store in the warehouse from which it purports to be issued, and which is to be represented by said receipt; nor shall any receipt be issued for a greater quantity of grain than is contained in the lot stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where a receipt for a part of the lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt issued thereon is delivered out of store, and the remainder is left in store, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as the original re-

ceipt, and shall state on its face that it is for the balance of the grain represented by the original receipt, giving the number thereof, and the original receipt shall thereupon be cancelled in the same manner as if the grain represented thereby had all been delivered. In case it is desirable to divide one receipt into two or more receipts, or in case it is desirable to consolidate two or more receipts into one receipt, and the warehouseman consents thereto, the original receipt shall thereupon be cancelled in the same manner as if the grain represented thereby had been delivered from store, and the new receipts shall state on their face that they are a part of another receipt or a consolidation of other receipts, as the case may be, and shall also state the number of the original receipt so cancelled as aforesaid, but no consolidation of receipts differing in dates more than ten days shall be permitted. And all such new receipts issued in lieu of old receipts which have been cancelled as herein provided, shall bear the same date as the original receipts as near as may be.

Issue of receipts, continued; warehouseman not to limit his liability. SECTION 13. No warehouseman operating or running a public warehouse as defined in this act shall insert in any receipt issued by him any language which shall in any wise limit or modify his liability or responsibility as imposed by the provisions of this act or the laws of this state, and no such warehouse receipt shall be issued unless it be issued at the warehouse or at the office of the warehouseman kept in the city of Superior, and shall not be delivered until a record is made of the issuing thereof, containing the date, number, amount, kind and grade of grain, which record shall at all times be kept at the warehouse, or at some other office of said warehouseman in the city of Superior, and shall be open to the inspection of any and all persons having grain stored in such elevator or warehouse, or holding any receipt upon grain stored therein, and any warehouse receipt issued contrary to the provisions of this section shall be absolutely null and void.

Delivery of grain from store; penalty for failure to so deliver. SECTION 14. On the return of any warehouse receipt issued by him properly endorsed, and a tender of all proper charges upon the grain represented by it, such grain shall be delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after such demand and tender for such delivery shall have been made, and grain represented by such receipt shall be delivered within twenty-four

hours after such tender and demand shall have been made, and the cars or vessels to receive the same shall have been furnished. Such receipt and payment of charges may be tendered and made at the warehouse, or at the office of the warehouseman kept and provided as required by section 13 of this act. Any warehouseman who shall make default in delivery of grain as herein provided, shall be liable to the owner of such grain or to the owner of the warehouse receipt issued thereon for any such default in the sum of one cent per bushel, and in addition thereto to one cent per bushel for each and every day of such neglect or refusal to so deliver; provided, that no warehouseman shall be held to be in default in delivery of grain if the grain is delivered in the order demanded and as rapidly as due diligence, care and prudence will justify.

Warehouseman to make statement to commission. SECTION 15. It shall be the duty of every owner, lessee, or manager of every public warehouse coming within the provisions of this act to furnish in writing under oath to the grain and warehouse commission herein provided for, at such times as said commission may require or demand, the statement concerning the condition and management of his business as such warehouseman.

Warehouseman to post statement; daily statement to commission. SECTION 16. Every warehouseman within the provisions of this act shall on or before Tuesday morning of each week cause to be made out, and shall keep posted up in a conspicuous place in the business office of his warehouse within the city of Superior, a statement of the amount of each kind and grade of grain in store in the warehouse up to the close of business on the previous Saturday, and shall also on each Tuesday morning render a similar statement to the grain and warehouse commission, which statements shall be made under oath by one of the principal owners or operators of said warehouse, or by the book-keeper thereof having personal knowledge of the facts. Every warehouseman shall also be required to furnish daily to said commission a correct statement of the amount of each kind and grade of grain received in store in the warehouse on the previous day; also the amount of each kind and grade of grain delivered or shipped by him during the previous day, and the warehouse receipts that have been cancelled upon which the grain has been delivered on such day, giving the number of each such receipt and the amount and kind of grain and the grade thereof received or shipped

on each; also, how much grain, if any, was so delivered or shipped, and the amount, kind and grade of it, on which warehouse receipts have not been issued; when and how such unreceipted grain was received by them; the aggregate amount of such receipted cancellations and delivery of unreceipted grain corresponding in amount, kind and grade with the amount so reported delivered or shipped; every warehouseman shall also at the same time report what receipts, if any, have been cancelled and new receipts issued in their stead, as herein provided for, and in making such statements he shall in addition furnish such commission such further information regarding receipts issued or cancelled as may be necessary to enable said commission to keep a full and correct record of all receipts issued and cancelled and of all grain received and delivered.

Secretary of commission; appointment; duties. SECTION 17. It is hereby made the duty of said commission to appoint one of their members as secretary, who shall keep the records of said commission and receive the reports in accordance with the provisions of this act.

Table of rates to be published annually; maximum rates. SECTION 18. Every warehouseman coming under the provisions of this act shall during the first week in September of each year publish in one or more of the daily newspapers in the city of Superior a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rate shall not be increased during the year, and such published rates, or any published reduction thereof, shall apply to all grain received in such warehouse from any person or source, and no discriminations as to rates shall be made, either directly or indirectly, by such warehouseman for the storage of grain. The maximum charge for the storing and handling of grain, including the cost of receiving and delivering, shall be for the first fifteen days, or fraction thereof, one-half cent per bushel, and one-half cent additional for every additional thirty days, or fraction thereof, thereafter.

Warehouseman not to tamper with grain; "special grade" grain; warehouseman not responsible for damage by fire or heating; authority of warehouseman respecting grain out of condition. SECTION 19. It shall not be lawful for any public warehouseman to mix grain of different grades together, nor

to select different qualities of the same grade for the purpose of storing or delivering the same. Neither shall he attempt to deliver grain of one grade for another, nor in any way tamper with grain while in his possession or custody with a view of securing profit to himself or any other person. The grain and warehouse commission shall have authority under this act, in their discretion, to grade any lot of grain "special grade", upon the request of the owner so to do; and such lot of grain shall only be received into public warehouses within the authority of this act as "special grade" grain, and shall be kept in a bin or bins by itself apart from that of other owners, and said bin or bins shall thereupon be marked and known as "special bins". Any warehouseman may, on the request of the owner of any grain stored in any such special bin, be permitted to mix, dry, clean, or otherwise improve the condition or value of any such lot of grain, provided that such lot of grain has been inspected by authority of the grain and warehouse commission as "special grade". If a warehouse receipt is issued for any such lot of grain, it shall state on its face that it is issued for "special grade" grain, and shall also state the number or numbers of the special bin or bins where the same is stored. Upon the application of the owner of any grain known as "special grade", the grain and warehouse commission may re-inspect the same for the purpose of giving it its proper grade. The warehouseman shall, upon the surrender of the original warehouse receipt issued against such "special grade" grain, cancel said receipt and issue in lieu thereof a new receipt which shall state the grade of the grain so re-inspected, and said warehouseman may then store said grain with other grain of a similar grade. Nothing in this section shall, however, prevent any warehouseman from removing grain while within his warehouse for its preservation or safe keeping. No warehouseman shall be responsible for any loss or damage to grain by fire while in his custody, provided reasonable care and diligence be exercised to protect and preserve the same, nor shall he be held liable for damage to grain by heating, provided it can be shown that he exercised proper care in handling and storing the same, and that such heating was the result of causes beyond his control; and in order that no injustice may result to the holder of grain in any public warehouse of the city of Superior it shall be deemed the duty of such warehouseman to dispose of by delivery or shipping, in the ordinary and legal manner of so delivering, that grain of any particular grade which was first received by them, or which has been for the longest time in store in his warehouse,

and unless public notice has been given by a warehouseman that some portion of the grain stored in his warehouse is out of condition, or becoming so, he shall deliver grain of quality equal to that received by him on all receipts as presented. In case, however, that any warehouseman shall discover that any portion of the grain in his warehouse is out of condition, or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice of its actual condition, as near as he can ascertain, by advertisement in a daily newspaper in the city of Superior, and by posting a notice in the most public place (for such purpose) in such city. Such notice shall state the amount, kind and grade of grain, the bins in which the same is stored, the receipt or receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each (which receipts shall be those of the oldest dates then in circulation or uncancelled, the grain represented by which has not previously been receipted for); and the name of the party for whom such grain was stored, the date it was received and the amount thereof. The enumeration of receipts and identification of grain so discredited in said notice shall embrace, as near as may be, as great a quantity of grain as is contained in said bins and such grain shall be delivered upon the return and cancellation of the receipts and the unreceipted grain upon request of the owner or person in charge thereof. Nothing herein contained shall be held to relieve the warehouseman from exercising proper care and diligence in preserving any such grain after such publication of its condition, but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. In case the grain be declared to be out of condition as herein provided for shall not be removed from store by the owner thereof within two months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman to sell the same at public auction for the account of said owner, by giving ten days' public notice by advertisement in a daily newspaper published in the city of Superior. Any warehouseman guilty of any act or neglect, the effect of which is to depreciate grain stored in any warehouse under his control, shall be held responsible as at common law upon his bond, and in addition thereto his license shall be revoked. Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin or by itself to any person other than the owner of such lot of grain, whether the same be represented by receipts or otherwise.

Grain owners' and inspectors' right of inspection; inspection of scales. SECTION 20. All persons owning grain, or who may be interested in the same in any public warehouse, and all duly authorized inspectors of such grain, shall at all times, during ordinary business hours, be at full liberty to examine any and all grain stored in any public warehouse in the city of Superior, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination, and all parts of the public warehouse shall be free for the inspection and examination of any person interested in grain stored therein, or of any authorized inspector of such grain. And all scales used for the weighing of grain in public warehouses shall be subject to examination and test by any duly authorized inspector, weighmaster or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose grain has been, or is to be weighed on such scales. The expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who shall be guilty of continuing to use scales found to be in an imperfect or incorrect condition, by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as herein provided.

Weighmaster; powers and duties of. SECTION 21. The weighmaster appointed by the grain and warehouse commission and his deputies, shall supervise and have exclusive control of the weighing of grain received into any mill or received, stored or delivered or shipped from any and all public warehouses in the city of Superior, and also the inspection of scales upon which grain is weighed; and the action or certificates of such weighmaster or his assistants, in the discharge of their duties, shall be conclusive upon all parties, either in interest or otherwise, as to the matters contained in said certificates.

Fees for weighing grain. SECTION 22. The grain and warehouse commission shall fix the fees to be paid for the weighing of grain, which fees shall be paid by the warehouseman, and may be added to the charges for storage.

Weighmaster and assistant; bond; compensation. SECTION 23. The weighmaster, and each and every assistant shall not be a member of any board of trade or association of like char-

acter. They shall give bonds in the sum of two thousand dollars, conditioned for the faithful discharge of their duties, and shall receive such compensation as the grain and warehouse commission shall determine, not exceeding, however, one hundred dollars per month for weighmaster and seventy-five dollars per month for each assistant.

Penalty for refusing weighmaster access to scales. SECTION 24. In case any person, warehouse, or railroad corporation or any of their agents or employes, shall refuse or prevent the weighmaster, or either of his assistants, from having access to their scales in the regular performance of their duties in supervising and weighing of any grain in accordance with the tenor and meaning of this act, they shall forfeit the sum of one hundred dollars for each offense to be recovered in an action by the said grain and warehouse commission, and any and all moneys collected shall be turned into and form a part of its general funds.

Chief inspector; term of office; bond. SECTION 25. The chief inspector, appointed as hereinbefore provided, shall hold his office for the term of one year, unless sooner removed by said grain and warehouse commission. He shall, before entering upon the duties of his office, take an oath of office, and shall execute a bond in the penal sum of five thousand dollars with good and sufficient sureties to be approved by said commission, running to said commission and conditioned that he will faithfully and impartially discharge the duties of the office of chief inspector according to law, and the rules and regulations of said grain and warehouse commission, and will pay all damages to any person or persons who may be injured by reason of his neglect or failure to comply with the law or the rules and regulations aforesaid.

Chief inspector to appoint deputies; bonds of deputies. SECTION 26. The chief inspector shall appoint, subject to the approval of the grain and warehouse commission, such number of deputy inspectors as may be required, for whose acts the said chief inspector shall be responsible, and his bond shall be considered and held as covering the acts of such deputies. And a like oath shall be taken by each and every deputy and he may be required to give additional bond in the discretion of the grain and warehouse commission. All such deputies shall be subject to removal by the chief inspector at will, and they

shall act in the performance of their duties in his name and under his immediate control and supervision.

Bonds of inspectors and weighmasters, to whom given. SECTION 27. All bonds required to be given by the weighmaster and his assistants, by the chief inspector and his deputies, shall be given to the grain and warehouse commission as obligee, and shall be filed and kept by it as a part of its records.

Rules governing inspection; compensation of inspectors. SECTION 28. The chief inspector of grain and all deputy inspectors shall be governed in their inspection duties by such rules and regulations as may be provided and promulgated by the grain and warehouse commission, which shall have power to fix the rates of charges for inspection and weighing of grain, and the manner in which the same shall be collected, and which charges shall be regulated in such manner as will in the judgment of said commission, produce sufficient revenue to meet the necessary expenses of the inspection and weighing service. Said grain and warehouse commission shall fix the amount of compensation to be paid to the chief inspector and deputy inspectors, and prescribe the time and manner of payment thereof, provided the compensation so fixed shall not exceed one hundred fifty dollars per month for the chief and one hundred dollars per month for each deputy.

Inspectors not to be interested in grain business. SECTION 29. No chief inspector or deputy, shall during his term of service, be interested directly or indirectly, in the handling, storing, shipping, purchasing or selling of grain.

Removal of inspectors. SECTION 30. Upon complaint in writing to the grain and warehouse commission, supported by reasonable and satisfactory proof, that the chief inspector or any of his deputies, have violated any of the rules prescribed for his government, or has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, said person shall be by said grain and warehouse commission immediately removed from office.

Penalty for acting as inspector without authority. SECTION 31. Any person who shall assume to act as an inspector of grain in the city of Superior, who has not first been appointed as provided in this act, or has not made and filed his oath of

office and given bond where such bond is required, shall be held to be an impostor, and shall be punished by a fine of not less than one hundred dollars for each and every attempt to so inspect grain, and if the complaint is made by any member of the grain and warehouse commission, or of any inspector or deputy inspector, one-half of said fine shall go to said grain and warehouse commission, and the remaining half to the school fund, and in case the complaint is made by any other person one-half of said fine shall go to the person so complaining and the remaining half to the school fund; such prosecution to be in the name of the state of Wisconsin, and shall be prosecuted by the district attorney of Douglas county or the attorney general of the state of Wisconsin.

Fraudulent inspection, penalty for. SECTION 32. Any duly authorized inspector or deputy inspector of grain, who shall be guilty of any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or any improper performance of duty as such inspector of grain, or any person who shall improperly influence any inspector of grain in the performance of his duty as such inspector, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars or more than five hundred dollars, or shall be imprisoned in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court.

Inspection charges constitute lien. SECTION 33. The charge for the inspection and weighing of grain under the provisions of this act, shall be and constitute a lien on grain so inspected, or weighed, and whenever such grain is in transit the said charges shall be treated as advanced charges to be paid by the common carrier in whose possession the same is at the time of inspection.

Decision of inspectors binding. SECTION 34. The decision of the chief inspector, or of the deputy inspector, as to the grade of grain, shall be final and binding on all parties, unless an appeal is taken from such decision, as hereinafter provided.

Appeal to commission. SECTION 35. In case any owner, consignee or shipper of grain, or any warehouse manager, shall be aggrieved by the decision of the chief inspector, or any of his deputies an appeal may be had to the grain and warehouse commission, and a decision of a majority of the members of said commission shall be final and said commission is hereby authorized

to make all necessary rules governing such appeal, provided, however, that the party appealing shall pay to said commission not to exceed the sum of two dollars before any such appeal shall be entertained which sum shall be refunded in case the inspection appealed from is not sustained.

Owner or consignee may withhold grain from public warehouse. SECTION 36. In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall from any cause desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have been previously assigned to such warehouse or not) by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him subject only to such proper charges as may be a lien upon it prior to such notice, the grain in railroad cars to be removed therefrom by such owner or consignee within twenty-four hours after such notice has been given to the railroad company having it in possession; provided, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to receive his grain shall be deemed guilty of conversion, and he shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store, in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

Unlawful contract for storage. SECTION 37. It shall be unlawful for any proprietor, lessee or manager of any public warehouse to enter into any contract, agreement, understanding or combination with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any purpose, contrary to the direction of the owner, his agent or consignee.

"Superior grades" to be established and published. SECTION 38. The grain and warehouse commission shall before the 15th day of September in each year, establish a grade for all kinds of grain bought, sold or handled, in the city of Superior, which

shall be known as "Superior Grades", and the grade so established shall be published in some daily newspaper in the city of Superior.

Standard samples. SECTION 39. It shall be the duty of the grain and warehouse commission to furnish any elevator or warehouse in the city of Superior standard samples of grain as established by the official inspection made in accordance with the grade established under the next preceding section, when requested so to do by the proprietor, lessee or manager thereof, at the actual cost of such samples.

Supervision of grain trade in Superior. SECTION 40. It shall be the duty of the grain and warehouse commission to assume and exercise a constant supervision over the housing and marketing of grain in the city of Superior, the handling, inspection, weighing and storing of same, and the management of the public houses of said city, to at least three times annually verify by measurement the amount of grain shown to be in store in all public warehouses, investigate all complaints of fraud or oppression in the grain trade, and to correct the same so far as it may be in their power.

Rules and regulations of commission to be published. SECTION 41. The rules and regulations adopted by said grain and warehouse commission for the weighing and inspection of grain in the city of Superior shall be published in a daily newspaper in said city.

Maximum fees; fees to whom paid. SECTION 42. The fees and charges for the weighing and inspection of grain to be fixed by the grain and warehouse commission shall not exceed the sum of fifty cents per car for weighing and one dollar per car for inspection. And upon weighing and inspection on shipment by boat, or otherwise, out of the warehouse, not to exceed fifty cents per thousand bushels for weighing, nor more than one dollar per thousand bushels for inspection; and all fees for such services shall be paid to the treasurer of said commission, to be by him kept, disbursed, and fully accounted for as hereinafter provided.

Treasurer of commission; appointment, bond, duties. SECTION 43. It shall be the duty of the grain and warehouse commission to appoint some person treasurer of said commission, and the person so appointed shall make and file with the state treasurer

a bond to the state of Wisconsin in the sum of twenty thousand dollars, conditioned to account for and pay over all moneys coming into his hands, and to keep a just and accurate account of all such moneys according to law, and make report of the same to said state treasurer quarterly, such bond to be approved by the governor of this state; and it shall be lawful for said commission to appoint one of their number to act as such treasurer.

Expenses of commission, how paid. SECTION 44. The grain and warehouse commission is hereby authorized to pay out of any and all moneys collected by way of fees and charges for weighing and inspection of grain all expenses incurred by said commission by way of fees or compensation allowed for such weighing and inspection, the expenses of making and publication of rules for the weighing, inspection and grading of grain, the procurement of all bonds to be given by any and all members of said commission, the treasurer thereof, the chief weighmaster and his assistants, the chief inspector and his deputies, and also for all stationery, postage and other incidental expenses necessarily incurred in carrying out the provisions of this act. An accurate account of all such payments shall be kept by the treasurer and reported as above provided.

Claims against commission, how payable. SECTION 45. The grain and warehouse commission shall have no authority to incur any debt in the name of or on account of the state of Wisconsin, nor shall it, or its members, be responsible for any indebtedness incurred in carrying out the provisions of this act, but all claims or indebtedness so incurred shall only be payable out of moneys collected for the weighing and inspection of grain and fees provided for upon appeals, and in such other manner as may be provided by said commission in accordance with the provisions of this act.

Disbursement of moneys; commission to be self-sustaining. SECTION 46. On the 31st day of July, 1906, and annually thereafter, the treasurer of said grain and warehouse commission shall pay over to the state treasurer any and all moneys received by him over and above the amounts paid for the necessary expenses as hereinbefore provided, and the state treasurer shall credit the amount so paid to the general fund to reimburse the state for the salaries of the commissioners. It being intended in fixing the fees for weighing, inspection and other services performed under this act, they shall be so fixed as to make the work self sustaining,

including the payment of the salaries of the members of said commission; and that any surplus over and above the actual expenses shall go into the state treasury.

Duties of chief weighmaster. SECTION 47. The chief weighmaster appointed under this act shall keep a correct record of all grain weighed by him, giving the amount of each weight, the number of the car or cars weighed, if any, and the initial letters of the car, and the place where weighed, with date and contents of the car, and also of all grain weighed in the loading of boats, or vessels and the date and amount thereof, with the name of the boat or vessel, and shall upon the payment of the weighing charges fixed as provided in this act, give under his hand a certificate of the weight of the grain, with the date, amount and kind of grain and where weighed, with the name or initial of the car or boat from or into which the same was weighed, and such certificate shall be admissible in evidence in all actions at law or equity as prima facie evidence of the facts therein contained.

Duties of chief inspector. SECTION 48. It shall be the duty of the chief inspector of grain, and of any deputy serving under him, to open the doors of any cars containing grain, upon their arrival at the city of Superior, for the purpose of inspecting the same, to first ascertain the condition of any such car or cars and determine whether any leakage has occurred while said car or cars were in transit; also whether or not the end or side doors are properly secured and sealed, making a record of such facts in all cases and recording the same in a proper book to be kept for the purpose. After such examination shall have been duly made and recorded, and the inspection of such grain has been made, it shall be the duty of the said officials to securely close and reseal such doors as have been opened by them, using a special seal to be provided by said commission, and known as "Wisconsin State Seal". A record or all original seals broken and the time when broken, and also a record of all state seals substituted therefor, and the time when such state seals were substituted, together with a full description of said seals with their numbers, shall be made by said officials.

Railroad companies to furnish police protection. SECTION 49. It shall be the duty of all railroad companies operating any line of railroad in the city of Superior, to furnish ample

and sufficient police protection at all stations in said city, and in their yards and about their terminal tracks to securely protect all cars containing grain, while the same are in their possession, pending transfer and delivery of the same, and it shall be the duty of such railroad companies to prohibit and restrain all unauthorized persons, whether under the guise of samplers, sweepers, or under any other pretext whatever from entering or loitering in or about their respective railroad yards or tracks and from entering any cars of grain under their control or removing grain therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section.

Warehouseman, etc., to protect cars of grain in their possession. SECTION 50. It shall be the duty of all warehousemen operating or controlling elevators and warehouses in the city of Superior and the duty of all persons, firms or corporations, engaged in the manufacture of flour or other grain products within said city to furnish ample and sufficient protection to all grain in cars which may be in their possession and to properly care for all cars of grain consigned to their respective elevators, warehouses, mills or manufactories after delivery of the same has been made by the railroad companies, and in case of shipment of grain in cars from such elevators, warehouses, mills or manufactories the said persons shall fully protect and care for said cars of grain until delivery of the same has been made to the railroad company.

Penalty for tampering with seal. SECTION 51. Any person other than the chief inspector or his deputies, or a regular employe of the railroad company or warehouseman, whose duty it shall be to have charge of said grain or cars, who shall tamper with or break any seals placed upon such cars of grain shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten days nor more than ninety.

No grain to be delivered to warehouseman not having license; inspection; inspection charges; penalty for violating law. SECTION 52. No railway company or common carrier, or any person engaged in the transportation of grain by rail shall deliver to any warehouse or warehouseman required by this act to obtain a license, any car or cars of grain to be unloaded into

or stored in such warehouse until such warehouseman has taken out and obtained a license under the provisions of this act, nor shall any such grain be delivered until the same shall be inspected and graded as provided in this act, and the inspection charges paid. All of the inspection charges shall be added to the transportation charges of the grain, and shall be paid to the railroad company or common carrier by the warehouseman upon delivery of the grain into the warehouse in addition to the payment of the charges for transportation, and in the usual manner. And any railroad, common carrier or other person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon a conviction shall be subject to a fine of not less than one hundred dollars, nor more than five hundred dollars, and shall also be liable to the grain and warehouse commission in damages three times the amount of all inspection charges upon said grain at the maximum rate hereinbefore provided.

Penalty for violating law. SECTION 53. Any person who, or corporation which, shall violate any provision of this act or shall fail to perform each and every duty required by any provision hereof, when punishment or penalty shall not otherwise be specifically provided, shall be deemed guilty of a misdemeanor and be subject to a fine of not less than ten dollars nor more than one hundred dollars, and shall also be liable in damages to any and all persons aggrieved thereby for treble the amount of damages suffered.

Word "grain" includes flax-seed. SECTION 54. The word "grain" as used in this act, shall be construed to include flax-seed, whether flax is particularly mentioned or not.

Salary of members of commission. SECTION 55. The three members of the grain and warehouse commission provided for in this act shall each receive a salary of one hundred dollars per month, payable out of the state treasury monthly after their appointment and qualification, in the same manner as other salaries are paid out of the state treasury; and there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated a sum sufficient to pay the salaries of said commissioners. Provided, however, that no salaries shall be paid nor money expended by the state under the provisions of this act until the state shall have been indemnified and saved harmless from any loss by reason of such expendi-

tures for salaries, either by resolution by the board of supervisors of the county of Douglas so indemnifying the state, in form and substance as directed and approved by the attorney general, or by a surety bond furnished by the board of trade of the city of Superior, in form and substance as directed and approved by the attorney general, conditioned for the indemnifying of the state against such loss, such bond to be approved by the governor of this state; and such salary shall be paid by the state only so long as such resolution shall be continued in force or such bond maintained in force and effect. And the county of Douglas is hereby authorized and empowered to so obligate itself to indemnify and save harmless the state as above provided.

Commission may furnish service outside of Superior. SECTION 56. Upon proper application to the grain and warehouse commission of the state of Wisconsin by the owner or manager of any elevator, warehouse or mill located outside of the city of Superior and in this state for terminal inspection and weighing service, said commission is hereby authorized to furnish such service if in its judgment it be expedient and practicable. Provided, however, that such owner or manager shall first enter into an agreement with said commission to pay all cost of such service at such terminal point; and provided further that said commission may make and promulgate special rules and regulations governing such service at such terminal points. And the provisions of this act governing and regulating the weighing and inspection of grain at the city of Superior shall apply, regulate and govern the weighing and inspection of grain at all such points as may hereafter be established as terminal points by said commission in so far as they are applicable.

SECTION 57. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1905.

No. 64, S.] [Published March 21, 1905.

CHAPTER 20.

AN ACT to amend section 1548 of the statutes of 1898, regulating the expiration of liquor licenses in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License, how granted; application; fee; term and execution. SECTION 1. Section 1548 of the statutes of 1898 is hereby amended so as to read as follows: Section 1548. Each town board, village board and common council may grant license under the conditions and restrictions in this chapter contained to such persons as they deem proper to keep groceries, saloons or other places within their respective towns, villages or cities for the sale of strong, spirituous, malt, ardent or intoxicating liquors. The sum to be paid for such license shall (subject to the right to increase the same as in this chapter provided) be in towns having within their boundaries no city or village, incorporated or unincorporated, with a population of five hundred or more, one hundred dollars, and in all cities and villages and other towns two hundred dollars, except for registered pharmacists as in this chapter provided. The application for any such license shall be in writing and shall state the kind of license applied for and designate the premises where such liquors shall be sold. All such licenses shall remain in force until the first Tuesday of July next after the granting thereof unless sooner revoked by the board or council granting the same; they shall be attested by the town, city or village clerk and shall not be delivered until the applicant shall produce and file with the clerk a receipt showing the payment of the sum required therefor to the proper treasurer and until the filing with the clerk of the bond provided for in section 1549. All town and village boards and common councils or the duly authorized committees of such councils shall meet, and be in session on the third Monday of each June and from day to day thereafter, so long as it may be necessary, for the purpose of acting upon such applications as may be presented to them conformably to this chapter. The population of any city or village shall be ascertained by the last preceding enumeration by the state or general government. No such license shall be granted to any person or persons for the sale of any such liquors within a distance

of two and one-half miles of the grounds of the Wisconsin veterans' home in the town of Farmington, county of Waupaca, nor to any person who is the owner or keeper, directly or indirectly, of a house of ill-fame or house of prostitution.

Extension of license. SECTION 2. *All licenses for the sale of intoxicating liquors, heretofore granted according to law, and expiring by the terms thereof on the first Tuesday of May next, may be extended, by the several boards and common councils, until the first Tuesday of July following, conformable to the provisions of this act, upon the payment of the pro rata proportion of the annual license fees, and upon the terms, conditions and in the manner provided for in section 1 of this act.*

Effect and application of this act. SECTION 3. *Nothing contained in this act shall be construed to diminish the sum to be paid for such license in any city or village in this state as provided by the charter or ordinances thereof or by any general law of the state, but in all other respects this act shall apply and extend to cities having special charters as well as to all other cities, towns and villages.*

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1905.

No. 345, S.] [Published March 21, 1905.

CHAPTER 21.

AN ACT to add to the statutes of 1898, certain sections relating to the organization of new towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There are hereby added to the statutes of 1898, sections to be numbered 775a, 775b, 775c, 775d, and 775e, said sections to read as follows:

When new town may be organized. SECTION 775a. Any contiguous territory situated within a county and containing at least a government township and being part of any town or towns, which territory has at least fifty resident electors and an assessed valuation of at least one hundred thousand dollars according to the last preceding assessment, may be organized into a town upon compliance with the following three sections.

Petition for organization; court to grant order for hearing. SECTION 775b. A petition signed by a majority of the resident electors and a majority of the resident freeholders and homesteaders of the territory proposed to be so organized shall be presented to the circuit court of the county in which such territory is located; such petition shall accurately describe such territory, naming the town or towns of which it is a part; shall contain the names of the resident electors; the assessed valuation of such territory, and the proposed name of the new town and shall be verified by at least three signers. The court shall then at a general or special term make an order fixing the time and place for the hearing of said petition, and direct that a copy of such petition and order be served on the clerk of the town or towns of which such territory is a part at least fifteen days before the hearing and that notice of the hearing be published once a week for three weeks in a newspaper designated as most likely to give notice to the people of the territory proposed to be so organized.

Hearing, how conducted. SECTION 775c. Any elector or taxpayer of such territory may appear at the hearing of such petition and the matter shall be tried as an issue of fact by the court. No formal answer to the petition need be filed. The

court may adjourn the hearing from time to time and refer any question of fact.

Order creating town, when granted; what to contain. SECTION 775d. The court shall file findings of fact at the close of such hearing and if it shall appear that the facts set forth in the petition are true and all the requirements of the three preceding sections have been complied with, in its discretion, shall enter an order creating such territory into a town, naming the same, and providing for the place of holding the first annual meeting: provided, that the remaining territory in any existing town shall not be less than a government township.

Apportionment of credits and indebtedness. SECTION 775e. The credits and indebtedness as between the towns so created and the town or towns of which it was formerly a part shall be apportioned according to the provision of section 672.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1905.

No. 2, A.] [Published March 21, 1905.

CHAPTER 22.

AN ACT to detach a certain portion from the town of Holway, Taylor county, and to create the town of Maplehurst.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town of Maplehurst created. SECTION 1. All that tract of country known and described as town number 30 north, of range number two (2) west, heretofore constituting a part of the town of Holway, lying and being in the county of Taylor, state of Wisconsin, is hereby detached from said town of Holway and constituted a separate town to be called the town of Maplehurst.

First town meeting. SECTION 2. The first town meeti said town hereby organized shall be held in the villa Maplehurst in the hotel office in said town number 30 nor range number two (2) west, on the first Tuesday of 1905, and it shall be lawful at said town meeting for the ors of said town meeting to elect the same officers as town authorized by law to elect at annual town meetings, and electors shall possess the same power to do any and all ness relating to said town that the electors of the several of this state are now qualified by law to transact at the nual town meetings, and the said town meeting shall be ducted in all respects in the same manner, as far as practi as annual town meetings are in this state conducted.

Apportionment of indebtedness. SECTION 3. The c board of said county of Taylor shall determine what po of the indebtedness if any there be, of said town of Ho shall be chargeable to the portion so detached to form new town of Maplehurst and said town of Maplehurst pay the proportion of such indebtedness so declared charg to said detached portion, at such time as the same sha come payable and for that purpose the town board of the town of Maplehurst shall levy a tax upon all taxable pro of such portion thereof as shall be chargeable therewith. county board in fixing the proportion of indebtedness ch able to the said detached portion, shall divide such inde ness pro rata according to the last assessment rolls of town of Holway.

Apportionment of indebtedness, continued. SECTION 4. county board shall at the same time determine what po of the general funds and assets of the said town of Holw may be possessed by said town, shall be paid over to the new town of Maplehurst and shall fix the amount to be by said old town to said new town of Maplehurst by a tioning said funds and assets between said town of Ho and said town Maplehurst in the proportion that such det part of said town bears to said town of Holway, accordi the last assessment rolls of said old town.

SECTION 5. This act shall take effect and be in force and after its passage and publication.

Approved March 21, 1905.

No. 122, S.] [Published March 22, 1905.

CHAPTER 23.

AN ACT to suspend the sale of lands owned by the State of Wisconsin until July 1, 1905, pending the consideration by the legislature of a State Forest Reserve.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of state lands suspended. SECTION 1. The sale of all state land outside of incorporated cities or villages, north of township 33, is hereby suspended and all such land is withdrawn from market until July 1, 1905.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 188, A .] [Published March 21, 1905.

CHAPTER 24.

AN ACT to detach certain territory from the town of Hayward, in the county of Sawyer and the state of Wisconsin, to change the boundaries of said town and to create the towns of Sand Lake, Radisson, Reserve and Winter, and to provide for holding town meetings therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Towns of Sand Lake, Radisson, Reserve, and Winter created. SECTION 1. (a) All that certain territory in the county of Sawyer and state of Wisconsin described as follows, to-wit,—the north half (N ½) of township number thirty-eight (38) north, except sections one (1), twelve (12) and thirteen (13), all of township number thirty-nine (39) north, except sections

twenty-four (24), twenty-five (25) and thirty-six (36), and all of township number forty (40) north, all in range nine (9) west, is hereby detached from the town of Hayward and is hereby created and constituted a separate town to be known and designated as the town of Sand Lake.

(b) All that certain territory in the county of Sawyer and state of Wisconsin described as follows, towit,—the south half (S. ½) of township number thirty-eight (38) north, all of township number thirty-seven (37) north of range nine (9) west, all of township number thirty-seven (37) north and all of township number thirty-eight (38) north, except sections four (4), five (5), six (6), seven (7), eight (8), nine (9), seventeen (17) and eighteen (18), in range eight (8) west, all of townships thirty-seven (37) and thirty-eight (38) and the southeast quarter (S. E. ¼) of township thirty-nine (39), in range seven (7) west, and all of townships thirty-seven (37), thirty-eight (38) and thirty-nine (39) north, in range six (6) west, is hereby detached from the town of Hayward, Sawyer county, Wisconsin, and is hereby created and constituted a separate town to be known and designated as the town of Radisson.

(c) All that certain territory in the county of Sawyer and state of Wisconsin described as follows, towit,—all of townships thirty-nine (39) and forty (40) north, of range eight (8) west, sections one (1), twelve (12) and thirteen (13) of township thirty-eight (38) north, of range nine (9) west, sections twenty-four (24), twenty-five (25) and thirty-six (36) of township thirty-nine (39) north, of range nine (9) west, sections four (4), five (5), six (6), seven (7), eight (8), nine (9), seventeen (17) and eighteen (18) of township thirty-eight (38) north, of range eight (8) west, the north half (N. ½) and the southwest quarter (S. W. ¼) of township thirty-nine (39) north, of range seven (7) west, sections twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), thirty-five (35) and thirty-six (36), in township number forty (40) north, of range number seven (7) west, and all of township number forty (40) north of range six (6) west, except sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36), is hereby detached from the town of Hayward, Sawyer county, Wisconsin, and is hereby created and constituted a separate town to be known and designated as the town of Reserve.

(d) All that certain territory in the county of Sawyer and state of Wisconsin described as follows, towit,—all of town-

ships thirty-seven (37), thirty-eight (38) and thirty-nine (39) north, of ranges three (3), four (4) and five (5) west, is hereby detached from the town of Hayward, Sawyer county, Wisconsin, and is hereby created and constituted a separate town to be known and designated as the town of Winter.

First town meeting in Sand Lake town. SECTION 2. The qualified electors of said town of Sand Lake shall meet at the Jordan school house, situated on the souteast quarter S. E. ¼) of the northeast quarter (N. E. ¼) of section number eight (8), township thirty-nine (39) north, of range number nine (9) west, in said town of Sand Lake, on the day appointed by law for the holding of annual town meetings and the election of town officers in this state, and shall in the manner provided by law elect town officers for said town and perform all other powers and make such provisions for the town government as are now authorized by statute to be done and made at the annual town meeting of any town.

First town meeting in Reserve town. SECTION 3. The qualified electors of said town of Reserve shall meet at the La Ronge store building in Couderay village, situated in section eight (8), township thirty-nine (39) north, of range eight (8) west, in said town of Reserve, on the day appointed by law for the holding of annual town meetings and the election of town officers in this state, and shall in the manner provided by law elect town officers for said town and perform all other powers and make such provisions for the town government as are now authorized by the statute to be done and made at the annual town meeting of any town.

First town meeting in Radisson town. SECTION 4. The qualified electors of said town of Radisson shall meet at the schoolhouse situated on lots one (1) and two (2), in block five (5), in the platted portion of the village of Radisson, in said town of Radisson, on the day appointed by law for the holding of annual town meetings and the election of town officers in this state and shall in the manner provided by law elect town officers for said town and perform all other powers and make such provisions for the town government as are now authorized by statute to be done and made at the annual town meeting of any town.

First town meeting in Winter town. SECTION 5. The qualified electors of said town of Winter shall meet at the Buck-

wheat schoolhouse, situated on the northeast quarter (N. E. ¼) of the northeast quarter (N. E. ¼) of section thirty (30), township twenty-nine (29) north of range five (5) west, in said town of Winter, on the day appointed by law for the holding of annual town meetings and the election of town officers in this state, and shall in the manner provided by law elect town officers for said town and perform all other powers and make such provisions for the town government as are now authorized by statute to be done and made at the annual town meeting of any town.

First election, how conducted; what officers to be voted for. SECTION 6. For the purposes of elections hereinbefore provided, the qualified electors of said towns of Sand Lake, Radisson, Reserve and Winter, assembled at the places aforesaid, shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and said inspectors shall, before entering upon their duties, take and subscribe the usual oath of office and file the same with their return, and such inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings, and the qualified electors so assembled at the places aforesaid may vote for judicial officers to be chosen on said day, and the votes cast for such judicial officers, whether for justices of the supreme court, judge of the circuit court or county judge, or all of them, shall be counted, canvassed and returned in the same manner and shall have the same effect as if the said towns were fully organized.

Township system of schools may be considered. SECTION 7. The electors at each of said towns of Sand Lake, Radisson, Reserve and Winter, assembled at the several places aforesaid, shall have power by vote to determine upon the adoption of the township system of schools or the school district system, and shall have power to make any levy assessed by law for school purposes, irrespective of the recommendation theretofore made by the school authorities of the present town of Hayward.

Organization when deemed complete. SECTION 8. When such elections shall have been held as hereinbefore provided, in said towns of Sand Lake, Radisson, Reserve and Winter, and the town officers required by law shall have been elected in each of said towns, and such officers shall have qualified as required by law, the said towns of Sand Lake, Radisson, Reserve and Winter shall be deemed to be fully organized

and shall each possess all the rights, powers and liabilities of towns in this state.

Apportionment of credits and indebtedness. SECTION 9. The credits and indebtedness, as between the towns hereby created and the town of Hayward, shall be apportioned according to the provisions of section 672 of the statutes of 1898.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 331, A.] [Published March 21, 1905.

CHAPTER 25.

AN ACT to detach certain territory from the town of Weston, in the county of Marathon and to create therefrom the town of Flieth, to provide for all town meetings therein and for a final settlement between said towns of Weston and Flieth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory of Town. SECTION 1. All that portion of the present town of Weston situated in the county of Marathon in the state of Wisconsin and described as follows to-wit:—All of township twenty-eight (28) north, and of range number seven (7) east, of the fourth principal meridian in the state of Wisconsin, lying and being west of the Wisconsin river as the same is now located, is hereby set off and detached from the said town of Weston, in said county and state aforesaid, and is duly created and organized as a separate town to be known and designated as the town of Flieth.

Creation and Rights of Town. SECTION 2. The said town of Flieth is hereby created and organized with all the rights, powers and privileges conferred upon and granted to other towns in the state of Wisconsin, and shall be subject to all the general laws enacted for town government therein.

Apportionment of Assets and Liabilities. SECTION 3. The assets and liabilities of the said towns of Weston and Flieth, shall be apportioned to the said town of Flieth, pro rata in such proportions as the valuation of all taxable property detached from said town of Weston bears to the whole of the assessed valuation of said towns of Weston and Flieth, according to the assessment roll for the year A. D. 1904.

First town meeting. SECTION 4. The first town meeting of the said town of Flieth shall be held on the day designated by law for the holding of annual town meetings in all of the towns in the state of Wisconsin, and shall be held in the school house situated in section four in said town of Flieth.

Election of officers. SECTION 5. The qualified electors of said town of Flieth, shall, at such town meeting held as provided in section 4 of this act, in the manner provided by law, elect town officers for the said town, and for the purpose of such election the qualified electors of said town of Flieth, shall, between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and such inspectors shall before entering upon their respective duties, severally take the usual oath of office and file the same with their returns, and such inspectors shall respectively canvass and return the votes cast at such election, in all respects as provided by law for inspectors at annual town meetings. A town clerk and also all necessary clerks of election, shall be appointed by said inspectors, or a majority thereof, to assist said inspectors in conducting said town meeting, and in canvassing and returning the votes cast at such election.

When town deemed organized. SECTION 6. When said town meeting shall have been held as herein provided, and the town officers required by law duly elected, the said town of Flieth, shall be deemed and shall be duly organized, and shall possess all the rights, powers, privileges and authority and shall be subject to all the liabilities of other towns in the state of Wisconsin. After said first town meeting, all annual town meetings shall be held on the day provided by law for the holding of town meetings in other towns in the state of Wisconsin.

Notice of first town meeting, how given. SECTION 7. Notice of said first town meeting shall be given by the posting of a copy of this act in at least six public places in said new town of

Flieth, at least ten days before the time of holding said first town meeting, by any duly qualified elector of said town, who shall make a proper affidavit of such posting and file the same on the day of said first town meeting with the inspectors chosen to conduct said first town meeting.

Settlement between towns, how made. SECTION 8. The supervisors of the town of Weston and the supervisors of the town of Flieth shall, on the twenty-sixth day of June A. D. 1905, meet at the office of the town clerk of the town of Weston, for the purpose of making settlement between said two towns, according to the provisions of this act, and at said meeting, or at any subsequent or adjourned meeting, held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records, necessarily involved or needed in the settlement between said two towns. The town clerk of the town of Weston shall be and act as the clerk of such joint meeting, and the town clerk of the new town of Flieth, shall be present and assist, and sufficient duplicates or copies of all proceedings had shall be made in order that each town may have at least one for the use and information of the town clerk and town board of supervisors thereof. Each town shall be chargeable with the expense, and for the services and per diem of its own officers only, and the bills therefor shall be audited and paid by the respective towns of Weston and Flieth, as other bills are by law authorized to be audited and paid.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 242, A.] [Published March 21, 1905.

CHAPTER 26.

AN ACT to detach certain territory from the town of Armstrong in Oconto county, and to create the town of Wheeler.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory defined. SECTION 1. All that portion of the town of Armstrong, in Oconto county, comprised in township number thirty-three north, ranges numbers fifteen, sixteen and seventeen east, is hereby set off and detached from the said town of Armstrong and is hereby created and constituted a separate town to be known and designated as the town of Wheeler in said Oconto county.

Apportionment of assets and liabilities. SECTION 2. The assets and liabilities of the said existing town of Armstrong to be apportioned to the said town of Wheeler shall bear the same ratio to the whole of said assets and liabilities of said existing town of Armstrong as the assessed valuation for the year 1904 of the taxable property of the above described detached territory from the existing town of Armstrong respectively bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said existing town of Armstrong, as shown by the assessment roll for the year 1904.

First meeting, when held. SECTION 3. The first town meeting of the town of Wheeler shall be held in the school house located on section number twenty-three, township number thirty-three, range fifteen east, on the first Tuesday of April, A. D. 1905.

Election of town officers; judicial election. SECTION 4. The qualified electors of said town of Wheeler shall at such town meeting in the manner provided by law elect town officers for the said town, and for the purpose of such election the qualified electors shall between the hours of nine and eleven o'clock in the forenoon of said day choose three of their number to act as inspectors of the election, and such inspectors shall before entering on their respective duties severally take the usual oath of office and file the same with their return; and such inspectors

shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. And the qualified electors so assembled at the respective places aforesaid may vote for judicial officers to be chosen on the same day and the votes cast for such judicial officers, whether for justice of the supreme court, judge of the circuit court or county judge, or all of them, shall be counted, canvassed and returned in the same manner and shall have the same effect as if said town was fully organized.

When town deemed organized. SECTION 5. When such election shall have been held as herein provided and the town officers required by law elected the said town of Wheeler shall be deemed and shall be fully organized and shall possess all the rights, powers, privileges and liabilities of other towns in this state.

Apportionment of indebtedness and road money. SECTION 6. On the 15th day of April, A. D. 1905, the town boards of the towns of Wheeler and Armstrong shall meet together in the town hall in the town of Armstrong and determine what portion of the legal indebtedness of the existing town of Armstrong shall be chargeable to the town of Wheeler and to the town of Armstrong, and shall also determine what portion of assets and credits of the existing town of Armstrong, together with such road moneys as shall be payable to said town, shall be due the towns of Armstrong and Wheeler respectively.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 629, A.] [Published March 21, 1905.

CHAPTER 27.

AN ACT to detach certain territory from the town of Grant in Gates county, and to create the town of Grow, to provide for town meetings therein and for a final settlement between said towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

The town of Grow defined. SECTION 1. All that portion of the present town of Grant in the county of Gates in the state of Wisconsin described as follows, to-wit: All of township thirty-four (34) north, of range five (5) west, of the fourth principal meridian, in the state of Wisconsin, situated in and forming a part of the town of Grant, is hereby set off and detached from said town of Grant, and is hereby created and organized as a separate town to be known as the town of Grow.

Powers conferred. SECTION 2. The said town of Grow is hereby created and organized with all the rights, powers and privileges conferred upon and granted to other towns in the state, subject to all the general laws enacted for the town government therein.

Ratio of assets and liabilities. SECTION 3. The assets and liabilities of said towns of Grant and Grow shall be apportioned to the said town of Grow pro rata in such proportion as the valuation of all the taxable property detached from said town of Grant, bears to the whole of the assessed valuation of said towns of Grant and Grow, according to the assessment roll for the year, A. D. 1904.

First town meeting. SECTION 4. The first town meeting of the said town of Grow shall be held on the first Tuesday of April, A. D. 1905, at the Krall school house, situated on the southwest quarter of the southeast quarter of section four (4), township thirty-four (34), north of range five (5) west.

Election of inspectors. SECTION 5. The qualified electors of said town of Grow shall at such town meeting, held as provided

for by section number four of this act, in the manner provided by law, elect town officers for the said town, and, for the purpose of such election, the qualified electors of said town of Grow shall between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and said inspectors shall, before entering upon their respective duties, severally take the usual oath of office and file the same with their return; and said inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings. A town clerk and also all necessary clerks for such election shall be appointed by said inspectors, or a majority thereof to assist said inspectors in conducting said town meeting and in canvassing and returning the votes cast at said election.

When deemed organized. SECTION 6. When said town meeting shall have been held, as above provided, and the town officers required by law duly elected, the said town of Grow shall be duly organized, and shall possess all the rights, powers, privileges and authority, and shall be subject to all the liabilities of other towns in the state of Wisconsin. After said first town meeting all annual town meetings shall be held on the day provided by law for the holding of town meetings in other towns in the state of Wisconsin.

Notice. SECTION 7. Notice of said first town meeting shall be given by posting a copy of this act in at least six public places in said town of Grow, at least ten days prior to the time for holding said town meeting, by any qualified elector of said town, who shall make a proper affidavit of such posting and file the same on the day of said first town meeting with the inspectors chosen to conduct said first town meeting.

Joint meeting of supervisors. SECTION 8. The supervisors of the town of Grant and the supervisors of the town of Grow shall, on the 20th day of June, 1905, meet at the office of the town clerk of the town of Grant for the purpose of making a settlement between said two towns, according to the provisions of this act, and at said meeting, or at any subsequent or adjourned meeting held by said town boards of supervisors, any three of the supervisors shall have full power and authority to send for any persons, books, papers and records necessarily involved or needed in the settlement between the said two towns. The town clerk of the town of Grant shall be and act as the

clerk of said joint meeting and the town clerk of the town of Grow shall be present and shall assist, and sufficient duplicates or copies of all proceedings had shall be made in order that each town may have at least one for the use and information of the town clerk and the town board of supervisors thereof. Each town shall be shareable for the expenses, and for the services and per diem of its own officers only, and the bills therefor shall be audited and paid by the respective towns of Grant and Grow, as other bills are by law authorized to be audited and paid.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 486, A.] [Published March 22, 1905.

CHAPTER 28.

AN ACT to provide for the assessment by the state board of assessment of property omitted in previous years.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment, how made; hearings. SECTION 1. Any property subject to assessment by the state board of assessment omitted from assessment in any of the three next previous years by mistake or inadvertence unless previously re-assessed for the same year or years, shall be entered by the state board of assessment upon its assessment and tax roll once additionally for each year so omitted, designating each such additional entry as omitted for the year 19—(giving year of omission) and fixing the valuation and tax to each entry for a former year as the same should then have been assessed according to the best judgment of the board. The proceedings relating to such assessment shall be had and hearings given as far as practicable in accordance with the provisions of chapter 315, laws of 1903.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 159, A.] [Published March 22, 1905.

CHAPTER 29.

AN ACT authorizing the printing of the report of the state tuberculosis commission and the payment of the expenses of said commission incurred in compliance with joint resolution No. 12, laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Printing and distribution of report of commission. SECTION 1. The commissioners of public printing are hereby authorized to print two thousand copies of the report of the state tuberculosis commission submitted to the governor in compliance with joint resolution number 12, passed by the legislature of 1903, five hundred copies of which shall be bound in cloth. This report shall be distributed by the state board of health and the superintendent of public property is hereby authorized to furnish postage, etc., for such distribution.

Appropriation for expenses of commission. SECTION 2. There is hereby appropriated from the moneys in the general treasury, not otherwise appropriated, the sum of one thousand fifty dollars ($1,050) or so much thereof as is necessary to meet the expenses of said tuberculosis commission, in the investigation which they have carried on in compliance with joint resolution No. 12, as passed by the legislature of 1903, in accordance with which their appointment was made. Such payments are to be made for expenses incurred upon the presentation of duly audited vouchers certified to in the usual manner for state accounts.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1905.

No. 7, S.] [Published March 22, 1905.

CHAPTER 30.

AN ACT to alter the boundaries of certain towns in the county of Marinette and create the towns of Athelstane, Beaver and Lake in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory detached; town of Amberg. SECTION 1. All that certain territory in the town of Wausaukee, Marinette county, state of Wisconsin, described as follows: to-wit; The two south tiers of sections in township No. 35 north, of range No. 20 east, and the two south tiers of sections in township No. 35 north, of range No. 21 east, also fractional town No. 35 north, of range 22 east, is hereby set off and detached from the said town of Wausaukee, in said county, and is hereby attached to and made part of the town of Amberg in said county.

Town of Athelstane defined. SECTION 2. All that territory in the town of Wausaukee, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 35 north, of range No. 19 east, and the east one-half of township No. 34 north, of range No. 19 east, is hereby set off and detached from the said town of Wausaukee, in said county, and that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 34 north, and 35 north, both in range No. 17 east, also township No. 34 north and 35 north, all in range No. 18 east, and the west one-half of township No. 34 north, of range No. 19 east, is hereby set off and detached from the said town of Peshtigo, in said county, and the whole of the aforesaid territory so set off and detached from said towns of Wausaukee and Peshtigo as in this section provided is hereby created and constituted a separate town, to be known and designated as the town of Athelstane, in said Marinette county.

Territory detached; town of Wausaukee. SECTION 3. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: The south one-half of township No. 33 north, of range No. 20 east,

and the south one-half of township No. 33 north, of range No. 21 east, is hereby set off and detached from the said town of Peshtigo, in said county, and is hereby attached to and made a part of the town of Wausaukee, in said county.

Town of Lake defined. SECTION 4. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 32 north, of range No. 21 east, and all that part of township No. 31 north, of range 21 east, which is situated north of the center of the main channel of the Peshtigo river, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby created and constituted a separate town to be known and designated as the town of Lake, in said Marinette county.

Town of Beaver defined. SECTION 5. All that certain territory in the town of Crivitz of Marinette county, state of Wisconsin, described as follows, to-wit: The north half of township No. 31 north, of range No. 19 east, and the north half of township No. 31 north, of range No. 20 east, is hereby set off and detached from the said town of Crivitz, in said county, and that certain territory in the town of Pound, Marinette county, Wisconsin, described as follows, to-wit: The south half of township No. 31 north, of range 19 east, and the south half of township No. 31 north, of range 20 east, is hereby set off and detached from the said town of Pound in said county, and the whole of the aforesaid territory so set off and detached from the towns of Crivitz and Pound, as in this section provided, is hereby created and constitute a separate town, to be known and designated as the town of Beaver, in said Marinette county.

Territory detached; town of Grover. SECTION 6. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: That part of township No. 31 north, of range 21 east, situated south of the center of the main channel of the Peshtigo river, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby attached to and made a part of the town of Grover in said county.

Territory detached; town of Porterfield. SECTION 7. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: That

part of township No. 31 north, of range No. 22 east, and now a part of the town of Peshtigo in said county, viz., sections 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby attached to and made a part of the town of Porterfield in said county.

Territory detached; town of Crivitz. SECTION 8. All that certain territory in the town of Peshtigo, Marinette county, state of Wisconsin, described as follows, to-wit: Township No. 33 north, of range 18 east, and township No. 33 north, of range 19 east, is hereby set off and detached from the said town of Peshtigo in said county, and is hereby attached to and made a part of the town of Crivitz in said county.

Assets and liabilities apportioned. SECTION 9. The assets and liabilities of the town of Wausaukee existing at the time this act shall go into effect shall be apportioned to each town to which a portion of the said territory so detached from the said town of Wausaukee as existing after this act shall go into effect, so that the respective town retaining or acquiring a portion thereof, shall bear the same ratio to the whole of said assets and liabilities of said town of Wausaukee as existing before this act shall go into effect, as the assessed valuation for the year 1904 of the taxable property of each of said respective portions respectively bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said town of Wausaukee as shown by the assessment rolls for the year 1904.

Assets and liabilities apportioned. SECTION 10. The assets and liabilities of the town of Peshtigo, existing at the time this act shall go into effect, shall be apportioned to each town created out of the said territory so detached from the said town of Peshtigo or to which a portion thereof is hereby attached, and the town of Peshtigo as existing after this act shall go into effect, so that the respective towns, created out of such territory or retaining or acquiring a portion thereof shall bear the same ratio to the whole of said assets and liabilities of said town of Peshtigo as existing before this act shall go into effect, as the assessed valuation for the year 1904 of the taxable property of each of said respective portions respectively, bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said town of Peshtigo as shown by the assessment rolls for the year 1904.

Assets and liabilities apportioned. SECTION 11. The assets and liabilities of the town of Crivitz, existing at the time this act shall go into effect, shall be apportioned to the said towns of Crivitz and Beaver, as existing after this act shall go into effect, so that the respective towns shall bear the same ratio to the whole of said assets and liabilities of said town of Crivitz, as existing before this act shall go into effect, as the assessed valuation for the year 1904 of the taxable property of each of said respective portions respectively bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said town of Crivitz as shown by the assessment rolls for the year 1904.

Assets and liabilities apportioned. SECTION 12. The assets and liabilities of the town of Pound existing at the time this act shall go into effect shall be apportioned to the said towns of Pound and Beaver as existing after this act shall go into effect, so that the respective towns shall bear the same ratio to the whole of said assets and liabilities of said town of Pound as existing before this act shall go into effect, as the assessed valuation for the year 1904 of the taxable property of each of said respective portions, respectively bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said town of Pound as shown by the assessment rolls for the year 1904.

Joint meeting of towns. SECTION 13. On the 21st day of April, A. D. 1905, at 2 p. m., the town boards of the towns of Peshtigo, Lake, Porterfield, Grover, Athelstane, Beaver, Crivitz, Pound, Wausaukee and Amberg shall meet at the town hall in the town of Wausaukee, and the respective town boards of the towns interested under the terms of this act with each other in the apportionment of assets and liabilities, shall determine what portion of the indebtedness legally incurred by the old towns of Peshtigo, Wausaukee, Crivitz and Pound, shall be chargeable to the new towns created by, and to the towns acquiring territory by virtue of this act, and shall also determine what portion of the credits of the towns of Wausaukee, Peshtigo, Crivitz and Pound each of the new towns created by, and the towns acquiring territory by virtue of this act, shall be entitled to.

Liability fixed. SECTION 14. Every new town created by, and every town acquiring territory by virtue of this act, shall

pay the proportion of such indebtedness so declared and found to be chargeable to such detached portions, pursuant to the preceding section, at the time the same shall become payable, and for that purpose the town board of each of such towns shall levy a tax upon all the taxable property of such portions thereof so chargeable therewith.

First town meetings, when and where held. SECTION 15. The qualified electors of the said town of Lake shall meet at the school house in section No. 17, situated in township No. 31 north, of range 21 east, in the state of Wisconsin and within said town of Lake, and the qualified electors of the said town of Athelstane shall meet at the school house in district No. 3, in section No. 11, in township No. 34 north, of range No. 19 east, in the state of Wisconsin and within said town of Athelstane, and the qualified electors in the said town of Beaver shall meet at the Armstrong school house in school district No. 4, in section 22, of township No. 31 north, of range 20 east, in the state of Wisconsin and within the said town of Beaver on the first Tuesday of April, 1905, and at each of such town meetings in each of their respective towns in the manner provided by law, shall elect town officers for each of their respective towns. For the purpose of such town elections the qualified voters in each of said towns shall at their respective places of meeting aforesaid between the hours of nine and eleven o'clock in the forenoon of said day choose three of their number to act as inspectors, and two ballot clerks of the election, and such inspectors and ballot clerks shall, before entering upon their respective duties, severally take the usual oath of office, and file the same with their returns, and such inspectors shall respectively canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual meetings, and the qualified electors so assembled at the respective places aforesaid, may vote for judicial officers, whether for justices of the supreme court, judge of the circuit court, or county judge, or all of them, and the vote shall be counted, canvassed and returned in the same manner and shall have the same effect as if said towns were fully organized.

When towns deemed organized. SECTION 16. When such elections shall have been held as herein provided, and the town officers in each of said towns then elected shall have qualified as required by law, the said towns of Lake, Athelstane, and Beaver shall be deemed and shall be duly organ-

ized and shall possess all rights, powers, privileges and liabilities of other towns of the state of Wisconsin.

Authority of county board unabridged. SECTION 17. Nothing in this act shall be construed so as to abridge any of the powers of the county board of Marinette county to set off, organize, vacate, or alter the boundaries of any of the towns within Marinette county affected by this act, at any time hereafter in accordance with the powers conferred by law upon county boards.

Name of town of Crivitz changed to Stephenson; territory embraced. SECTION 18. The name of the town of Crivitz in said Marinette county, herein referred to as such, is hereby changed to Stephenson, which said town shall include all the territory heretofore included in the town of Crivitz and shall include such territory as has been added to the town of Crivitz by the foregoing provisions of this act, and exempting such parts thereof as have been detached therefrom, by this act.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1905.

No. 331, S.] [Published March 25, 1905.

CHAPTER 31.

AN ACT to legalize, ratify and confirm the action of the board of school directors of the city of Milwaukee in entering into a contract, in behalf of said city and of said board, with Charles W. McNally.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Contract of city of Milwaukee school board legalized. SECTION 1. The action of the city of Milwaukee and of the board of school directors thereof in entering into a contract with Charles W. McNally of said city, for the furnishing and installing by him of a steam heating and mechanical ventilating system in the eight district primary school No. 2 of said city, pursuant to resolution adopted by said board on the 22nd day of July, A. D. 1904, is hereby declared legal and valid and said contract and all proceedings had in relation thereto are hereby fully ratified, confirmed and legalized, and no law heretofore passed shall be so construed as to prevent said city or said board from fully carrying out and discharging the aforesaid obligation to its full extent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1905.

No. 30, S.] [Published March 28, 1905.

CHAPTER 32.

AN ACT relating to the slaughter and appraisement of animals and amendatory of section 3, of chapter 440, of the laws of 1901, as amended by chapter 22 of the laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Slaughter and appraisement of animals; action live stock sanitary board. SECTION 1. Section 3 of chapter 440 of the laws of 1901, as amended by chapter 22, of the laws of 1903, is hereby amended so as to read as follows: Section 3. Whenever the owner shall not exercise *the* option *mentioned in the preceding section* and it shall be deemed necessary by the board to slaughter diseased animals, written notice shall be given to the owner, his agent or the person in charge of such animals, and to a justice of the peace in the county in which the animals may be, of the purpose to order the slaughter thereof, giving the number and description of the animals, and the name of the owner, if known. Such notice shall be entered on the docket of such justice, who shall immediately thereafter summon such owner, agent or possessor, and also three disinterested citizens of the county, not residents of the immediate neighborhood in which such animals are owned or kept, to appraise the value thereof. Such appraisers shall, before entering upon the discharge of their duties, be sworn by such justice to make a true appraisement without prejudice or favor, of the value of such animals, and *if such slaughter is made on the premises where said animals are kept,* they shall certify in their return that they have seen the appraised animals slaughtered. In making the appraisement of diseased animals the appraisers shall determine their value in the condition in which they are found at the time of the appraisement; but the appraised value of no single animal shall exceed fifty dollars. *In case of bovine tuberculosis if it shall be deemed advisable by the Live Stock Sanitary Board, such appraised animals shall be shipped at the expense of the state and under the direction and control of the board to some abattoir to be designated by the board for immediate slaughter under United States government inspection. A report must be submitted by a member of the Live Stock Sanitary Board stat-*

ing that said animals have been slaughtered. The proceeds of such sale together with an account thereof and all disbursements made in connection with such shipment shall be returned to the secretary of the board and such net proceeds be by the secretary immediately transferred to the secretary of state who in turn shall pay the same to the state treasurer. If such appraised animals are slaughtered *on the premises,* said slaughter shall be made under the direction of local health officer or the chairman of the town board, or the state veterinarian, or his assistant, or any member of the State Live Stock Sanitary Board. The owner of slaughtered animals shall receive no compensation for the same, until *said* Sanitary board is satisfied that the infected premises have been disinfected in such manner as to prevent the further spread of *the* disease.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1905.

No. 146, S.] [Published March 28, 1905.

CHAPTER 33.

AN ACT to promote the public health by restricting and regulating the sale of foods containing chemical preservatives.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of certain foods regulated and restricted. SECTION 1. No person, firm or corporation shall, by himself, or by his agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale or have in his possession with intent to sell for use or consumption within the state, any article of food within the meaning of section 4600 of the statutes of 1898 and laws amendatory thereof, which contains formaldehyde, sulphurous acid or sulphites, boric acid or borates, salicylic acid or salicylates, saccharine, dulcin, glucin, beta naphthol, abrastol, asaprol, fluorides, fluoborates, fluosilicates or other fluorine compounds, or any other preservatives injurious to health; provided, how-

ever, that nothing contained in this section shall prohibit the use of common salt, saltpetre, wood smoke, sugar, vinegar and condimental preservatives, such as turmeric, mustard, pepper and other spices. Nor shall any person, firm or corporation, by himself, or by his agents or servants, manufacture, sell, ship, consign, offer for sale, expose for sale or have in his possession with intent to sell for use or consumption within the state, any article of food within the meaning of section 4600 of the statutes of 1898 and laws amendatory thereof, containing any added substance, article or ingredient possessing a preservative character or action other than the articles named in the proviso of this act, unless the presence, name and proportionate amount of said added substance, article or ingredient shall be plainly disclosed to the purchaser.

Penalty for violation. SECTION 2. Every person, firm, or corporation and every officer, agent, servant or employe of such person, firm or corporation who violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days.

SECTION 3. This act shall take effect and be in force from and after the first day of January, 1906, after its passage and publication.

Approved March 27, 1905.

No. 221, S.] [Published March 28, 1905.

CHAPTER 34.

AN ACT to amend section 1 of chapter 76 of the laws of 1899, relating to the sale of renovated butter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of renovated butter regulated. SECTION 1. Section 1 of chapter 76 of the laws of 1899 is hereby amended so as to read as follows: Section 1.* *No person, shall, himself, or by his agent or servant, sell, offer or expose for sale, or have in his possession with intent to sell, or exchange or deliver renovated butter, or butter which has been melted and its rancidity removed or masked, and which has been regranulated, colored and prepared in imitation or in semblance of genuine creamery butter, unless the substance shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in one or two lines and in plain Gothic letters, at least three-eights of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said renovated butter; or, if such butter is exposed for sale uncovered, or not in a case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser; and when renovated butter is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "Renovated Butter," printed or stamped thereon in one or two lines and in plain Gothic letters at least three-eights of an inch square, and such wrapper shall contain no other words or printing thereon, and said words "Renovated Butter" so stamped or printed on the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1905.

*Entire section is rewritten.

No. 338, S.] [Published March 28, 1905.

CHAPTER 35.

AN ACT to amend section 1132 of the statutes of 1898, relating to collection of taxes and legalizing the payment of money thereunder by counties to printers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1132 of the statutes of 1898, is hereby amended so as to read as follows:

Affidavit of publication, etc. Section 1132. Every printer who shall publish such statement and notice shall, immediately after the last publication thereof, transmit to the treasurer of the proper county an affidavit of such publication made by some person to whom the fact of publication shall be known; and no printer shall be paid for publishing any such statement and notice who shall fail to so transmit such affidavit *on or before the date fixed for such sale;* and the county treasurer shall also make or cause to be made an affidavit or affidavits of the posting of such statement and notice as above required, which affidavits together with the affidavit of publication, shall be carefully preserved by him and deposited as hereinafter specified.

Payment for publication legalized. SECTION 2. Whenever any printer shall have in good faith heretofore published the statement and notice required by section 1132 of the statutes of 1898 and has been paid by the county for such services and has neglected to transmit the affidavit of such publication to the county treasurer within the time required by said section 1132, such payment to said printer by said county is hereby declared valid and no part of the same can be recovered from said printer by said county.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1905.

No. 292, A.] [Published March 28, 1905.

CHAPTER 36.

AN ACT amendatory of section 1931 of the statutes of 1898, as amended by chapter 352 of the laws of 1903, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1931 of the statutes of 1898, as amended by chapter 352 of the laws of 1903, is hereby amended, so as to read as follows:

May insure what; against cyclones, etc., when. SECTION 1931. No such corporation shall insure any property out of the town or towns in which it is located; provided, that it may, at its annual meeting, authorize its directors to insure any farm property or detached dwelling house and contents in any adjoining city or village, town or towns or in any city or incorporated village which is located in such town or towns. No such corporation shall insure any property other than detached dwellings and their contents, farm buildings and their contents, live stock in possession, use or running at large, farm products on premises and farming tools, implements and machinery; but it may, at any annual meeting, authorize its directors to insure country stores and their contents, school houses, town and society halls, churches, country hotels, water mills, *blacksmith shops*, cheese factories and creameries, but no such last mentioned risk shall exceed twenty-five hundred dollars. And it may at such time authorize its directors to insure any of the classes of property herein mentioned against damage or loss by wind storms, cyclones and tornadoes under the same rules and restrictions as relate to insurance by it against damage or loss by fire; provided that a request in writing, signed by at least ten members of the corporation be filed with the secretary at least thirty-five days before the next annual meeting of the corporation requesting that the question of insuring against damage or loss by wind storms, cyclones and tornadoes be submitted at such meetings, and that the secretary give thirty days' notice by mail to each member of the corporation at his post office address, that said question will be submitted at such meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1905.

No. 199, S.] [Published March 28, 1905.

CHAPTER 37.

AN ACT to compensate the legislative visiting committee, appointed to visit the state charitable and penal institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for expenses of committee. SECTION 1. There is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, for expenses incurred by the state visiting committee for 1904 and 1905, to the various state charitable and penal institutions, as follows: To E. E. Stevens, one hundred and fifty dollars, to B. S. Potter, one hundred and fifty dollars, to Henry Johnson, one hundred and fifty dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1905.

No. 286, A.] [Published March 28, 1905.

CHAPTER 38.

AN ACT to amend section 1976 of the statutes of 1898, relating to agents of unauthorized insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Agents to be licensed. SECTION 1. Section 1976 of the statutes of 1898 is hereby amended so as to read as follows: Section 1976. No *person,* officer or broker, agent or sub-agent of any insurance corporation of any kind, except town, *city and village, church, druggists, lumber dealers, hardware dealers, asylum and almshouse mutual* insurance corporations of this state, shall act or aid in any manner in transacting the business of or with such corporation in placing risks *or in collecting any*

premiums or assessments or affecting insurance therein, without first procuring from the commissioner of insurance a certificate of authority as provided by law, *nor shall any such person, officer, broker, agent or sub-agent after such certificate shall have expired and until a new certificate or license shall have been issued to him, do or perform any such act for or on bealf of any insurance corporation.* Every person violating the provisions of this section shall be guilty of a misdemeanor and be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offense. *Whenever any district attorney is of the opinion that any person is guilty of violating the provisions of this section, he shall cite such person to appear before him on three days' notice and satisfy himself as to whether the provisions of this section have been violated, and whenever any district attorney is so satisfied, or when complaint alleging such violation has been duly filed, he shall prosecute such action as provided by law.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1905.

Substitute for No. 464, S.] [Published March 28, 1905.

CHAPTER 39.

AN ACT to authorize the Stevens Point Power Company of Stevens Point, in the county of Portage, to construct and maintain a dam across the Big Plover river.

The people of te state of Wisconsin, represented in senate and assembly do enact as follows:

Construction of dam authorized. SECTION 1. The Stevens Point Power Company, its successors and assigns, are hereby authorized and empowered to construct, build and maintain the dam across the Big Plover river on the northeast one-quarter (N. E. 1-4) of the southwest one-quarter (S. W. 1-4) of section twelve (12) township twenty-four (24) north, of range eight (8) east, in Portage county, Wisconsin, at its present height, with the right and privilege to increase the height of said dam

by adding and attaching thereto flashboards to a height of four feet additional, for the purpose of creating hydraulic power.

Flowage rights. SECTION 2. The said Stevens Point Power Company, its successors or assigns, for the purpose of acquiring any flowage rights, that it or they may deem necessary in carrying out the provisions of this act, may exercise all powers granted by sections 1777a to 1777d inclusive of the statutes of 1898.

Fishway. SECTION 3. The dam so erected and maintained shall be provided with a good and sufficient fish-way to be approved by the state board of commissioners of fisheries and said fish-way shall at all times be kept in good repair and open and free for the easy passage of fish up and down said dam.

Rights reserved. SECTION 4. The right of the legislature to amend or repeal this act is hereby expressly reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1905.

No. 29, A.] [Published March 29, 1905.

CHAPTER 40.

AN ACT to detach certain territory from the towns of Aurora, Grover and Cleveland in the county of Taylor, to change the boundaries of such towns and to create the town of Roosevelt.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries of certain towns changed; town of Roosevelt created. SECTION 1. 1. All that certain territory in the county of Taylor and state of Wisconsin, described as follows, to-wit:

Township number thirty (30) north of range three (3) west and township number thirty (30) north of range four (4)

west is hereby detached from the town of Aurora and is hereby created and constituted a separate town, to be known and designated as the town of Roosevelt.

2. All that certain territory in the county of Taylor and state of Wisconsin, described as follows, to-wit:

Township number thirty-one (31) north of range three (3) west is hereby detached from the town of Grover and made a part of the town of Aurora, so that said town of Aurora shall consist of township number thirty-one (31) north of range three (3) west and township number thirty-one (31) north of range four (4) west.

3. All that certain territory in the county of Taylor and state of Wisconsin, described as follows, to-wit:

Township number thirty-two (32) north of range two (2) west is hereby detached from the town of Cleveland and attached to the town of Grover, so that said town of Grover shall consist of townships thirty-one (31) and thirty-two (32) north of range two (2) west.

Apportionment of assets and liabilities. SECTION 2. 1. The assets and liabilities of the town of Aurora to be apportioned to the said town of Roosevelt, shall bear the same ratio to the whole of said assets and liabilities of said town of Aurora, as the assessed valuation for the year 1904 of the taxable property of the above described detached territory from the town of Aurora, respectively bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said town of Aurora, as shown by the assessment rolls for said year of 1904.

2. The assets and liabilities of said town of Grover to be apportioned to the said town of Aurora, shall bear the same ratio to the whole of said assets and liabilities of said town of Grover as the assessed valuation for the year 1904 of the taxable property of the above described detached territory from the town of Grover, respectively bears to that of the assessed valuation for the year 1904 of the whole of the taxable property of said town of Grover, as shown by the assessment rolls for said year 1904.

3. The assets and liabilities of said town of Cleveland to be apportioned to the said town of Grover, shall bear the same ratio to the whole of said assets and liabilities of said town of Clevland, as the assessed valuation for the year 1904 of the taxable property of the above described detached territory from the town of Cleveland respectively bears to that of the

assessed valuation for the year 1904 of the whole of the taxable property of said town of Cleveland, as shown by the assessment rolls for said year of 1904.

First town meeting and election. SECTION 3. The qualified electors of the said town of Roosevelt, shall meet at the town hall in section twenty-one (21), township thirty (30) north of range four (4) west in said town of Roosevelt on the day appointed by law for the holding of annual town meetings and the election of town officers in this state, and shall in the manner provided by law, elect town officers for said town, and for the purposes of such election the qualified voters of said town of Roosevelt, assembled at the place aforesaid, shall between the hours of nine and eleven o'clock in the forenoon of said day, choose three of their number to act as inspectors of said election, and such electors, shall, before entering upon their duties, take and subscribe the usual oath of office and file the same with their return, and such inspectors shall canvass and return the votes cast at such election in all respects as provided by law for inspectors at annual town meetings, and the qualified electors so assembled at the place aforesaid, may vote for judicial officers to be chosen on said day, and the votes cast for such judicial officers, whether for justices of the supreme court, judge of the circuit court or county judge, or all of them, shall be counted, canvassed and returned in the same manner, and shall have the same effect as if the said town of Roosevelt were fully organized.

When town of Roosevelt deemed organized. SECTION 4. When such election shall have been held as herein provided and the town officers required by law, elected, and such officers have duly qualified as required by law, the said town of Roosevelt shall be deemed to be duly organized, and shall possess all the rights, powers and liabilities of other towns in this state.

Annual meeting, town of Cleveland. SECTION 5. The annual town meeting of the town of Cleveland for the year 1905, shall be held at the school house, at Hannibal in section ——, township thirty-two (32) north of range three (3) west.

Annual meeting, town of Aurora. SECTION 6. The annual town meeting of the town of Aurora for the year 1905 shall be held at the schoolhouse in district number one in section

eighteen (18), township thirty-one (31) north of range three (3) west.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1905.

No. 164, A.] [Published March 30, 1905.

CHAPTER 41.

AN ACT to permit the purchasing or building of a free wagon bridge across the Wisconsin river between Iowa and Sauk counties, in Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Building of bridge authorized. SECTION 1. The town of Wyoming in Iowa county, and the village of Spring Green in Sauk county, in the state of Wisconsin, are hereby authorized and empowered to purchase, build, construct, and whenever purchased or constructed to thereafter forever maintain at their joint expense, a free wagon bridge over and across the Wisconsin river between sections nineteen and thirty of township eight north, of range four east, or between section thirteen and twenty-four of township number eight north, of range three (3) east, at such point as the town and village boards thereof may select; and for such purpose they may erect piers, drive piles, build embankments and approaches in said river and on the banks thereof, suitable and necessary for the proper construction and maintenance of said bridge, and the enjoyment of the rights hereby granted or intended to be granted; provided that said bridge shall be provided with a proper and suitable draw or swing so as not to unreasonably obstruct said river for the purposes of navigation.

Levy of tax or issue of bonds. SECTION 2. No tax shall be levied or bonds issued for the purpose of purchasing or build-

ing and constructing such a bridge, as mentioned in the preceding section unless the question of levying such tax or issuing such bonds shall have been submitted by a vote of a majority of the town or village board of such town and village of each respective municipality, to a vote of the electors of such town and village and adopted at an annual election, town meeting or charter election, or at an election specially called for that purpose by such town board or village board, and in either case such board shall give notice of the submission of such question to the electors as is required by law to be given of a special election or special town meeting; such vote shall be taken separately in said town and village, and a majority of the votes cast on such proposition in such town or village shall be necessary to its adoption; such vote shall in each case be by ballot and the proper town or village board shall for their own municipality prescribe the form thereof. The votes shall be canvassed, returned and the result declared as in other elections.

Bonds how executed and issued. SECTION 3. All bonds issued by said town or village under the provisions of this act shall be executed according to the provisions of section 956 of the statutes of 1898 and shall be issued only according to and subject to the provisions of sections 943 and 944 of the statutes of 1898.

Appropriations by county board. SECTION 4. Whenever the town board of said town of Wyoming shall file with the county board of Iowa county, and the village board of said village of Spring Green shall file with the county board of Sauk county its petition setting forth the fact that said town and village have each voted to purchase, construct or repair the said bridge, stating the cost of such bridge or repairs as near as may be, and further stating that such town and village have each provided for the payment of one fourth of the cost of such bridge or the proposed repairs thereon, the said county boards shall each appropriate one-fourth of said estimated amount and cause such sum to be levied upon the taxable property of the county, and such money, when collected, shall be paid by said county of Iowa to the treasurer of said town of Wyoming, and by said county of Sauk to the treasurer of said village of Spring Green, whenever the said town or village shall notify the chairman and county clerk of their respective counties that the said bridge has been purchased or that the work thereon has been completed and accepted. All moneys re-

ceived by said town or village treasurers shall be kept and accounted for by them in the same manner as other town funds, but the same shall be kept as a special fund and shall be paid out only for the purposes for which appropriated.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 180, A.] [Published March 30, 1905.

CHAPTER 42.

AN ACT to authorize the county of Dunn to construct and maintain a free wagon bridge over and across the Chippewa river in Dunn county at a point designated by the county board of said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of bridge authorized. SECTION 1. The county of Dunn and its successors and assigns are hereby authorized to build, construct and maintain a free wagon bridge over and across the Chippewa river, at a point within said county of Dunn designated by the county board of said county. And for such purposes may erect piers and build embankments and approaches in said Chippewa river and on the banks thereof, necessary for the proper and convenient construction and maintenance of said bridge; provided that the location and construction of such bridge shall be approved by the war department of the United States.

Law repealed. SECTION 2. Chapter 322 of the laws of 1887 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 193, A.] [Published March 30, 1905.

CHAPTER 43.

AN ACT to amend section 931 of the statutes of 1898, as amended by chapter 89 of the laws of 1899, as amended by chapter 203 of the laws of 1901, relating to the establishment of free public libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 931, of the statutes of 1898, as amended by chapter 89 of the laws of 1899, as amended by chapter 203 of the laws of 1901, is hereby amended by striking out the words "containing over one thousand inhabitants," where they occur in said section, so that said section shall read as follows:

Establishment and maintenance of library; treasurer of library fund. Section 931. The common council of every city of the second, third or fourth classes, and the board of trustees of every village, and the board of every town, * * * may establish, equip and maintain a public library and reading room, or maintain and support any public library and reading room already established therein, and may annually levy and cause to be collected as other general taxes are collected, a tax upon the taxable property of such city, village or town, to provide a library fund, which fund shall be kept by the treasurer separate from other money of the city, village or town, to be used exclusively to maintain such library and reading room; provided that in lieu of supporting and maintaining such a public library and reading room, the common council of every city of the classes named, having a board of education may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance of any secular or nonsectarian public library and reading room, free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the city treasurer shall pay on the order of such board of education to such society, association or corporation, the money so raised for such aid out of such library tax fund. In all cases the treasurer of the city, village or town shall be ex-officio the treasurer of the fund used for library purposes, and said money shall be drawn from

said treasury as the same is expended for the uses of the said library from time to time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

Sub. for No. 15, S.] [Published March 29, 1905.

CHAPTER 44.

AN ACT to amend section 890 of the statutes of 1898, relating to village boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Village board; question of salary of to be submitted to vote. SECTION 1. Section 890 of the statutes of 1898, is hereby amended to read as follows: Section 890. The trustees of each village shall constitute a board designated "The village board of," (name of village,) in which shall be vested all the powers of the village not specifically given some other officer. Four trustees shall constitute a quorum, but a less number may adjourn from time to time. The president shall preside at all meetings when present. In his absence the board may select another trustee to preside. Regular meetings shall be held at such times as may be prescribed by their by-laws. Special meetings may be called by any two trustees in writing, filed with the clerk, who shall thereupon seasonably notify all the trustees of the time and place thereof in the manner directed by the by-laws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, shall have power to preserve order at its meetings, compel attendance of trustees and punish non-attendance, and it shall be judge of the election and qualification of its members. *The president and board of trustees may by resolution determine that an annual salary be paid the president and trustees after the next election. The question whether the provisions of such resolution shall take effect and be in force, shall be submitted to the people of said*

villages at the next annual election. Upon the ballot or in the voting machine shall be printed: "Shall the president of the village board be paid $——and shall the trustees of the village board be paid $——salary per annum." (The blank spaces to contain the appropriate figures taken from the resolution.) Space shall be provided upon the ballot or voting machine to vote yes or no upon such question. If approved by a majority of the votes cast upon the question it shall go into effect and be in force immediately after such election.

Conflicting laws repealed. SECTION 2. All acts or parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 60, A.] [Published March 30, 1905.

CHAPTER 45.

AN ACT to amend section 2203 of the statutes of 1898, relating to the alienation of homesteads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conveyances, how made; alienation of homestead. SECTION 1. Section 2203 of the statutes of 1898, is hereby amended so as to read as follows: Section 2203. Conveyances of land or any estate or interest therein may be made by deed signed and sealed by the person from whom the estate or interest is intended to pass, being of lawful age, or by his lawful agent or attorney, and acknowledged or proved as directed in this chapter, without any other act or ceremony whatever; but no mortgage or other alienation by a married man of his homestead, exempt by law from execution, *or any interest therein, legal or equitable, present or future, by deed or otherwise, without his wife's consent,*

evidenced by her act of joining in the deed, mortgage or other conveyance, shall be valid or of any effect whatever.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 65, A.] [Published March 30, 1905.

CHAPTER 46.

AN ACT relating to the eligibility of candidates for county superintendents of schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Residence in a city within district no disqualification. SECTION 1. There is hereby created a new section of the statutes which shall be numbered and read as follows: Section 461cc. A person shall not be ineligible to the office of county superintendent of schools on account of residence in cities of the third and fourth class within the territorial limits of any such district.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 77, A.] [Published March 30, 1905.

CHAPTER 47.

AN ACT to amend section 1362, chapter 54, of the statutes of 1898, relating to town drains.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Survey; route, etc.; appeal and proceedings. SECTION 1. Section 1362, chapter 54, of the statutes of 1898, is hereby amended by striking out the word "twenty" where the same occurs in the seventeenth line of said section and inserting in lieu thereof the word "forty" so that said section when so amended shall read as follows: Section 1362. Whenever the supervisors shall decide to lay out and establish any ditch, drain or enlargement of a water-course under the provisions of these statutes they shall cause an accurate survey thereof to be made; shall establish the route through which such ditch, drain or enlargement of a water-course shall pass, together with the width thereof at the top and bottom, and the depth thereof at different points along the line on which it is to be constructed, and shall incorporate the same in an order to be signed by them, and shall cause such order to be filed and recorded in the office of the town clerk of their town, and shall also file with such order a map or plan of such ditch, drain or enlargement of a water-course showing the line or route of the same, with the courses and distances and sections of land through which it will pass, together with the sections into which they may have, for the purpose of construction, divided such ditch, drain or water-course, with specifications showing the amount and character of the work required in the construction of each section separately; which map or plan and order laying out and establishing the said ditch, drain or water-course shall be filed in the office of the town clerk within *forty* days after the time fixed by them for deciding upon the application for laying out and establishing the same. In case said supervisors shall decide against such application they shall, within twenty days after the day of hearing thereupon, file in the office of the town clerk of their town the said application and a copy of the notice hereinbefore required, together with the proofs of the service of such notice and the posting

thereof, and also their decision in writing. And any freeholder resident of the town feeling himself aggrieved by the determination of the supervisors, either in laying out and establishing any ditch, drain or enlargement of a water-course or in refusing to lay out and establish the same, may, at any time within fifteen days after the filing of such order or determination, file in the office of the town clerk of the town a notice of appeal from the decision of the supervisors; which notice shall contain a description of the lands through which the proposed ditch, drain or enlargement of a water-course is to pass, as shown by the application in the case, and also the proceedings and determination or judgment of the supervisors thereon, and whether the appeal is taken for the purpose of reversing entirely the determination of the supervisors in the matter or only to reverse a part thereof, and in the latter case shall state what part; and also a notice that he or they will, on a certain day and hour of such day to be named in such notice, which day shall not be less than six nor more than ten days after the date of the filing of such notice in the office of the town clerk, apply to a justice of the peace within the county, naming such justice, for the appointment of commissioners to hear and determine such appeal; and on presentation of such notice by the appellant, his, her or their agent or attorney to the town clerk he shall immediately file the same with the papers in the case in his office, and shall deliver to the person so presenting such notice of appeal a certified copy of the same, which certified copy shall be served personally on at least one of the supervisors of the town at least five days before the day named therein for the appointment of commissioners. And upon the presentation by the appellant, his, her or their agent or attorney of said certified copy of the notice of appeal to the justice of the peace therein named upon the day and hour set forth in such notice, together with proof of service of such copy on at least one of the town supervisors as herein required, and filing with said justice a bond executed by the appellant to the supervisors of the town, with sufficient sureties to be approved by such justice, conditioned to pay all costs arising from such appeal in case the determination or judgment of the supervisors in laying out and establishing or in refusing to lay out and establish such ditch, drain or enlargement of a water-course (as the case may be) shall not be reversed, the said justice shall thereupon enter the matter in his docket and shall proceed to make a list of fifteen disinterested freeholders, residents of the county, not of kin to the resident owners of any

of the lands embraced in the notice of appeal or to the appellant, and from said list so made each party may strike off the names of five persons; and in case no one of the supervisors of the town is present then the justice shall strike from such list the names for such town, and the justice shall thereupon issue a summons, directed to the sheriff or any constable of the county, directing him to summon the five persons whose names were not stricken from such list to meet at a time and place to be specified in said summons to serve as commissioners to hear and determine the matter embraced in such appeal. And the sheriff or any constable to whom such summons shall be delivered shall execute the same by summoning the persons named therein in the same manner and with like authority as upon a venire issued in cases pending before justices of the peace and shall in like manner make return thereof, provided, that if any of the persons so summoned shall fail to attend such justice may enforce their attendance in the manner in which the attendance of jurors in justice's court is compelled; but if it is impossible for any persons summoned to attend or serve or if such justice shall deem it inexpedient to compel his attendance, or any such person shall be found to be unqualified to act, then the justice shall proceed to fill the vacancy by making a list of three persons who possess the prescribed qualifications for each such vacancy, from which list each party shall strike one in the manner hereinbefore provided, the justice striking for the supervisors if none of them are present; and the person or persons whose name or names remain on the list shall be summoned to fill the vacancy or vacancies; the proceedings may be adjourned or held open by the justice until the vacancy or vacancies are filled, but no adjournment shall be taken for more than one week unless by consent of all the parties. The persons summoned as commissioners shall meet at the time and place designated in the summons, and the justice issuing the same shall deliver to such commissioners the certified copy of the notice of appeal on file in his office in the case. The commissioners shall be duly sworn to justly and impartially discharge their duties as such commissioners, and shall proceed to view and examine the lands described in the notice of appeal, and the route of the proposed ditch, drain or enlargement of a water-course, and the determination or judgment of the supervisors in laying out and establishing or in refusing to lay out and establish such ditch, drain or enlargement of a water-course (as the case may be), and shall hear any reasons which may be offered for and against the determination or judgment

of the supervisors in the matter, and may administer oaths and examine witnesses upon any point relating to the subject matter submitted to them and may continue the hearing of the cause from day to day if the circumstances of the case, in their judgment, require such continuance. The decision of such commissioners shall be reduced to writing and signed by them or a majority of them and shall be by them returned to the justice of the peace issuing the summons in the case, together with the certified copy of the notice of appeal to them delivered as herein provided, who shall enter the decision in his docket and file such decision in the office of the town clerk of the town in which the lands described in the notice of appeal shall be located. And if the determination or judgment of the supervisors shall be affirmed by the decision of the commissioners the party appealing from such determination or judgment shall pay all costs and expenses of the proceedings had in the matter; but if such determination or judgment be reversed then and in that case the costs and expenses shall be paid by the town. Each of the commissioners shall be entitled to the sum of one dollar and fifty cents a day for their services, and the justice and constable shall be entitled to such fees as are allowed by law for like services in other cases. When an appeal shall have been made from the determination or judgment of the supervisors refusing to lay out and establish a ditch, drain or enlargement of a water-course and such determination or judgment shall, upon an appeal, be reversed by the commissioners the supervisors shall immediately proceed to lay out and establish such ditch, drain or enlargement of a water-course in accordance with the provisions of this chapter the same as if they had themselves originally determined to lay out and establish such ditch, drain or enlargement.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 243, A.] [Published March 30, 1905.

CHAPTER 48.

AN ACT to provide for the payment of necessary expenses in the prosecution or defense of civil actions in which the state may be interested.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment of expenses of actions by or against the state. SECTION 1. Whenever the attorney general or his assistants shall in the prosecution or defense of any civil action or proceeding in which the state of Wisconsin may be a party or may have an interest, incur any expense for any abstract of title, clerk of court's fees, sheriff's fees or any other expense actually necessary to the prosecution or defense of such cases, the amount of each account for such expense, stated in detail and verified by affidavit, shall be certified by the attorney general and shall be audited by the secretary of state and paid out of the state treasury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 414, A.] [Published March 30, 1905.

CHAPTER 49.

AN ACT to appropriate to the governor's contingent fund a sum of money named therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to governor's contingent fund. SECTION 1. There is hereby appropriated to the governor's contingent fund, out of any moneys in the state treasury not otherwise appropri-

ated, the sum of two thousand dollars per annum for the years 1905 and 1906.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 260, A.] [Published March 30, 1905.

CHAPTER 50.

AN ACT to amend sections 4961 and 4966, of the statutes of 1898, relating to the Wisconsin Industrial School for Boys.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Age limit fixed. SECTION 1. Section 4961, statutes of 1898, is hereby amended by changing the words "ten" and "eighteen" where they occur in the third line of said section to "eight" and "sixteen," so that the section as amended shall read as follows: Section 4961. The Wisconsin Industrial School for Boys, at Waukesha, shall be the place of confinement and instruction of all male children between the ages of *eight* and *sixteen* years who shall be legally committed thereto as vagrants, or on conviction of any criminal offense, or for incorrigible or vicious conduct.

Commitments by courts of record. SECTION 2. Section 4966 of the statutes of 1898 is hereby amended by striking out the words "courts and several magistrates" in the second line and inserting in lieu thereof the words "courts of records;" by inserting after the word "child" in the third line the words "between the ages of eight and sixteen years;" by striking out the words in the fourth and fifth lines "and they may in their discretion send to said school any such male child who shall be convicted before them" and inserting in lieu thereof the word "or;" by striking out the words "and the county and munipal judge or magistrates" in the sixth and seventh lines, and inserting in lieu thereof the words "the said courts;" by strik-

ing out the words "ten" and "eighteen" in line nine, and inserting in lieu thereof the words "eight" and "sixteen;" by striking out of the seventeenth line the words "or magistrate;" by adding the words "in all commitments under this section, the court shall state in the commitment paper the date of the birth of the boy committed," so that said section when amended shall read as follows: Section 4966. The courts * * * *of record* in any county may at their discretion sentence to the school any male child *between the ages of eight and sixteen years* who may be convicted of petit larceny or misdemeanor, * * * or of any offense which, under existing laws, would be punishable by imprisonment in the state prison. * * * *The said courts* may, in their discretion, commit to said school any male child having a legal residence in his county and being between the ages of *eight* and *sixteen* years, *who,* upon complaint and due proof, is found to be a vagrant or so incorrigible and vicious that a due regard for the morals and welfare of such child manifestly requires that he shall be committed to said school; but in all cases the terms of commitment shall not be less than to the age of twenty-one years, provided, that no child shall be committed as a vagrant or incorrigible until one of the supervisors of the town, one of the village trustees or a superintendent of the poor in the village or city in which he resides shall be notified of the arrest of such child and be heard by the judge * * * before whom the child is arraigned. *In all commitments under this section the court shall state, in the commitment paper, the date of the the birth of the boy committed.*

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 442, A.] [Published March 30, 1905.

CHAPTER 51.

AN ACT to amend section 1945a of the statutes of 1898, relating to the attachment of applications to insurance policies by insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Application attached to policy. SECTION 1. Section 1945a of the statutes of 1898 is hereby amended to read as follows: Section 1945a. All fire insurance corporations, except *mutual fire insurance corporations organized under the laws of this state,* shall, upon the issue or renewal of any policy, attach to such policy or indorse thereon a true copy of any application or representations of the assured, which by the terms of such policy are made a part thereof or of the contract of insurance or referred to therein, or which may in any manner affect the validity of such policy. The omission so to do shall not render the policy invalid, but, if any corporation neglect to comply with the requirements of this section, it shall forever be precluded from pleading, alleging or proving such application or representations or any part thereof, or the falsity thereof or any part thereof in any action upon such policy; and the plaintiff in any such action shall not be required, in order to recover, either to plead or prove such application or representations, but may do so at his option.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 471, A.] [Published March 30, 1905.

CHAPTER 52.

AN ACT to amend chapter 27 of the statutes of 1898, relating to fees paid by teachers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

One dollar fee abolished. SECTION 1. Chapter 27 of the statutes of 1898 is hereby amended by striking out sections 461e, 461f, 461h, 461j; also by striking out all of section 461g after the word "office" where it first occurs in line fifteen of said section.

Sections renumbered. SECTION 2. Renumber sections 461g, 461e; 461i, 461f; 461k, 461g; 461e, 461h.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 518, A.] [Published March 30, 1905.

CHAPTER 53.

AN ACT authorizing the regents of the university to have done experimental work in agriculture at various points within the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Agricultural extension. SECTION 1. The regents of the university are authorized to have done experimental work in agriculture at such points within the state as may in their judgments be advisable.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 691, A.] [Published March 30, 1905.

CHAPTER 54.

AN ACT to add a new sub-section to section 430, chapter 27, statutes of 1898, relating to powers of electors of school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transportation tax authorized. SECTION 1. A new sub-section is hereby created and added to section 430, statutes of 1898, said sub-section to be numbered 20 and to read as follows:

The electors of any school district, whether under the independent system of school government or under the township system of school government, are hereby empowered when assembled at any annual or lawfully called special school district meeting or adjourned meeting to authorize the school board to levy a tax for the purpose of providing for the payment of transportation of pupils to and from school or the payment of tuition or for the payment of both transportation and tuition.

Power to contract. SECTION 2. The electors of said school district are further empowered to authorize the school board to enter into the contracts and agreements necessary to carry out the provisions of section 1 of this act, provided that said contracts or agreements shall not be made binding upon the district for a period longer than three years.

Notice; what to contain. SECTION 3. The school district board shall embody in the notice of every annual or special meeting at which any or all of the above matters are to be considered a statement to that effect, said notices to be posted or posted and served as provided for in sections 425, 426 and 427 of the statutes of 1898.

Conflicting laws repealed. SECTION 4. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 198, S.] [Published March 31, 1905.

CHAPTER 55.

AN ACT to provide for the organization of mutual plate glass insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Incorporation authorized. SECTION 1. Any number of residents of this state, not less than twenty-five, who shall collectively own plate glass of not less than five thousand ($5,000) dollars in value, may in the manner hereinafter prescribed, become incorporated for the purpose of mutually insuring each other and such other persons as may become members of the corporation, against loss or damage from the breakage of plate glass by accident, or loss or damage of plate glass by tornadoes, cyclones or hurricanes.

Articles of incorporation. SECTION 2. Such persons shall file with the commissioner of insurance articles of incorporation signed and acknowledged by them. Such articles shall set forth the name of the corporation and place of its principal office. The first five persons who sign the articles of incorporation shall be the directors of said corporation untll the first annual meeting. Such articles shall further set forth the manner of their election and their term of office, kind of business to be transacted, the method of transacting the same, and such other provisions not inconsistent with law as are proper to be inserted therein for the interest of such corporation or the accomplishment of the purposes thereof, and to define the manner in which the corporate powers shall be exercised.

Commissioner of insurance; duty of; record. SECTION 3. Said articles shall be, by the commissioner of insurance, submitted to the attorney general, and if found in conformity with law he shall so certify to said commissioner, who shall thereupon examine or cause an examination to be made, and if he shall find that such corporation has received and is in actual possession of the capital, premiums and bona fide engagements for insurance, as required by law, he shall deliver to said corporation a patent reciting the articles and declaring it duly

organized and empowered to transact the business of insurance therein defined. Within thirty days thereafter the incorporators shall cause the articles to be recorded in the office of the register of deeds in the county wherein such corporation shall have its principal office.

Directors. SECTION 4. The number of directors shall be at least five, and they shall be elected from the members of the company by the persons insured, except the first board, and shall hold office for the term of three years and until their successors are elected and qualified. Election of directors, except to fill vacancies, shall occur at the annual meetings which shall be held on the third Tuesday of January of each year, and each person insured shall be entitled to one vote and may cast the same either in person or by proxy.

Officers; bonds. SECTION 5. The directors shall elect from their number a president, vice-president, secretary and treasurer, all of whom shall hold their office for one year and until their successors are elected and qualified. The secretary and treasurer shall each give bond for the faithful performance of their duties in such amount as shall be prescribed by the board of directors.

Powers; duties; by-laws. SECTION 6. Such corporation shall possess the usual powers and be subject to the usual duties of corporations. It may make such by-laws as may be deemed necessary for the management of its affairs in accordance with the provision of law; and may prescribe the duties of its officers and agents, fix their compensation and alter and amend its by-laws when necessary. Such corporation shall, in its by-laws, limit the amount to be used for the expenses to a sum not exceeding not fifty per cent of the premium receipts, and shall also provide for a release of policy holders from further assessment liability in excess of an amount not less than twice the amount of the cash premiums as fixed by the directors at the time of the issuance of the policy.

Membership. SECTION 7. Any person owning plate glass in this state may become a member of such company by insuring therein, but no non-resident of this state shall become a director of such company. Every member who may sustain loss shall give such notice to the company and furnish such proofs of loss as may be required by its by-laws.

Withdrawal authorized. SECTION 8. Any member of such company may withdraw therefrom by surrendering his policy for cancellation at any time while the company continues the business for which it was formed, by giving notice in writing to the secretary and paying his share of all claims then existing against it; and such company may cancel any policy by giving the insured notice to that effect. In case of the withdrawal of a member or the cancellation of a policy the company shall return the unearned premium, if any, less twenty-five per cent.

Report required. SECTION 9. On or before the first day of March of each year the president and secretary of every such company shall prepare, under their oaths, and transmit to the commissioner of insurance a statement of the condition of the company on the thirty-first day of December then next preceding and shall, at the time of filing such annual statement, pay to the commissioner of insurance a license fee of twenty-five ($25) dollars which shall be in lieu of all other fees and taxes.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

No. 675, A.] [Published March 31, 1905.

CHAPTER 56.

AN ACT to amend section 1668 of the statutes of 1898 as amended by chapter 334 of the laws of 1899, being an act to fix the size of the cranberry barrel.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Barrel; cranberry measure; stamp; fraud. SECTION 1. Section 1668 of the statutes of 1898 is hereby amended by striking out all after the word "measure" in the eighth line of said section, to the word "all" in the tenth line of said section, as the same appears in the revised statutes of 1898; and insert-

ing in lieu thereof the following: "The legal and standard barrel for cranberries shall measure not less than twenty-five and one-quarter inches between the heads inside; the diameter of the head shall be sixteen and one-quarter inches, including the beveled edge; the outside bilge, circumference, shall measure not less than fifty-eight and one-half inches, the thickness of the staves being four-tenths of an inch. But any barrel of different form, but of the same interior capacity shall be considered a legal and standard barrel." So that when said section is so amended it shall read as follows: Section 1668. A barrel shall contain thirty-one and one-half gallons and the hogshead two barrels; a dry gallon shall contain two hundred eighty-two cubic inches; a liquid gallon two hundred thirty-one cubic inches; a barrel of flour measured by weight shall contain one hundred ninety-six pounds; a barrel of potatoes one hundred seventy-two pounds; a barrel of unslaked lime two hundred pounds; a barrel of apples or pears shall represent a quantity equal to one hundred quarts of grain or dry measure. *The legal and standard barrel for cranberries shall measure not less than twenty-five and one-quarter inches between the heads inside; the diameter of the head shall be sixteen and one-quarter inches, including the beveled edge; the outside bilge, circumference, shall measure not less than fifty-eight and one-half inches, the thickness of the staves being four-tenths of an inch. But, any barrel of different form, but of the same interior capacity shall be considered a legal and standard barrel. All sales of cranberries in packages of less than one barrel, shall be by the bushel or quart, struck or level dry measure. A bushel crate for cranberries shall be twenty-two inches long, twelve inches wide, by seven and one-half inches high, inside measure. Every manufacturer of cranberry barrels shall stamp or brand his name with the letter "W. S.," on the outside of such barrels to indicate that they are the Wisconsin standard size.* Any person selling cranberries in barrels of less capacity than is herein provided for shall be liable to the purchaser in damages to three times the amount of the shortage therein; and any person who shall stamp or brand a cranberry barrel of less capacity than is herein prescribed, with the letters "W. S." shall forfeit * * * not less than five, nor more than twenty-five dollars for each offense. All contracts for the sale of cranberries by the barrel or crate, unless it is otherwise specially stipulated shall be construed to mean barrels or crates of the capacity herein prescribed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1905.

Substitute for No. 434, S.] [Published March 31, 1905.

CHAPTER 57.

AN ACT to detach certain territory from the county of Vilas and to attach same to the county of Oneida in the state of Wisconsin, and to change the boundaries of certain towns in the county of Oneida and county of Vilas in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory detached. SECTION 1. Townships No. 39 N of of R No. 6 E and No. 39 N of R 7 E in the state of Wisconsin are hereby detached from the county of Vilas, and attached to and made part of the county of Oneida.

Territory attached; town of Flambeau. SECTION 2. All that part of township No. 40 N of R 4 and township No. 40 N of R 5 in Vilas county, which is now a part of the town of Minocqua, in Vilas county, is hereby attached to and made a part of the town of Flambeau in said county.

Territory attached; town of Arbor Vitae. SECTION 3. All the remaining portions of what is now the town of Minocqua, in Vilas county, excepting the portion attached to the county of Oneida, is hereby attached to and made a part of the town of Arbor Vitae in Vilas county, Wisconsin.

Minocqua, town of, defined. SECTION 4. The town of Minocqua, as formerly existing in Vilas county, is hereby vacated and set aside, and there is hereby created in lieu thereof the town of Minocqua in Oneida county, Wisconsin. Said town of Minocqua in Oneida county, Wisconsin, shall consist of the following territory. Township No. 39 N of R 6 and R 7 E

and townships No. 38 and 39 N of ranges No 4 and No. 5, E, and said townships No. 38 and 39 N of R 4 and R 5 E are hereby detached from the town of Hazelhurst, in Oneida county, and attached to and made part of the town of Minocqua, created therein.

Assets and liabilities apportioned. SECTION 5. The territory formerly comprising the town of Minocqua, Vilas county, and still remaining a part of the territory of said county shall not be liable for any portion of the debts of said town of Minocqua or school district, nor shall it be entitled to share in any of the assets of said town or school district, excepting that all public buildings remaining in the territory detached from the county of Vilas and attached to the county of Oneida shall belong to the town of Minocqua, and all public buildings remaining in the territory in Vilas county, detached from the town of Minocqua, shall be the property of the towns and school districts to which such territory is attached.

Assets and liabilities apportioned. SECTION 6. The territory detached from the town of Hazelhurst, in Oneida county, and made a part of the town of Minocqua, in said county, shall not be liable for any of the debts of said town of Hazelhurst, nor of the school districts comprised in said town; nor shall said territory be entitled to any portion of the assets or credits of said town of Hazelhurst; and all public buildings now belonging to the town of Hazelhurst shall, after the division, belong absolutely to the town or school district in which such buildings are located, if the division take place.

Town officers. SECTION 7. The officers of the town of Minocqua, in Vilas county, and residing in the territory detached from said county of Vilas and attached to the county of Oneida, shall continue to be officers of the town of Minocqua in Oneida county until their successors are elected and qualified, in the same manner and as if the said territory had not been detached from said county of Vilas.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1905.

No. 710, A.] [Published April 1, 1905.

CHAPTER 58.

AN ACT to amend section 865, chapter 40 of the statutes of 1898, by adding thereto a provision authorizing the electors of a recently incorporated, but unorganized village, to vote at judicial and general elections and the elections for state and county superintendents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When village a corporation. SECTION 1. Section 865, chapter 40 of the statutes of 1898, is hereby amended to read as follows:

SECTION 865. If a majority of the ballots given at such meeting shall have thereon the word "no" the electors of such territory shall be deemed not to have assented to the incorporation thereof as a village, and no further proceedings shall be had in respect to such incorporation under such application and order; but if a majority of such ballots shall have thereon the word "yes" the inhabitants of such territory shall, from the time of the recording of the order of the court aforesaid in the office of the register of deeds, be deemed a body corporate by the name specified in such order, and the inspectors who shall have presided at such meeting shall cause a statement of the holding of such meeting to be made showing the whole number of ballots given thereat, the number having thereon the word "yes" and the number having thereon the word "no," which statement shall be verified by the affidavit of the said inspectors written thereon or annexed thereto, to be likewise recorded in the office of the register of deeds as hereinafter provided; *provided further that if after any village shall have become a separate and independent municipality under the provisions of this chapter, there shall not remain, before the next ensuing judicial election or election for state or county superintendent or before any general election, time to comply with the provisions of any law relating to the holding of such judicial election or election for state or county superintendent or general election, then and in that event such village shall, for the purposes of such ensuing judicial election or election for state*

or county superintendent or general election, remain a part of the election district or districts to which the same was attached before said separation was had.

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 1, 1905.

No. 310. S.] [Published April 7, 1905.

CHAPTER 59.

AN ACT to confer upon county boards in all counties of a population of 100,000 or more the power to fix salaries of municipal judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board may fix salaries. SECTION 1. The board of supervisors of every county in this state, now having or which may hereafter have a population of 100,000 or more inhabitants, according to any census of the state or of the United States, are hereby empowered to fix by resolution the salary of the judge of the municipal court in any such county.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1905.

No. 42, A.] [Published April 10, 1905.

CHAPTER 60.

AN ACT to amend section 170 of the statutes of 1898, and to provide help in the secretary of state's office, necessary on account of the taking of the census.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Help necessary to take census provided. SECTION 1. Section 170 of the statutes of 1898 is hereby amended by adding at the end of the 23d line in said section after the words "nine hundred dollars," the following: *In addition to the above regular employes, the secretary of state is hereby authorized to employ such additional clerks or employes as may be necessary to record and tabulate the returns, and do all the work in his office incident to the taking of the census; provided, however, that not more than five such additional clreks or employes shall be employed at any one time prior to July 1st, 1905, and not more than fifteen such additional clerks or employes shall be employed at any one time after July 1st, 1905, until the work incident to the taking of the census shall have been completed.*

Clerical force and salaries. SECTION 2. *The clerical force so employed shall consist of one head clerk who shall receive not to exceed one hundred and fifty dollars per month during the time he may be employed, and such additional clerks not to exceed the number hereinbefore specified, each of whom shall receive not to exceed one hudnred dollars per month; provided that the amount hereby appropriated shall not exceed twenty thousand dollars.*

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

Substitute for No. 56, S.] [Published April 11, 1905.

CHAPTER 61.

AN ACT to amend section 925—133 of the statutes of 1898.*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds, for what purposes; how authorized. SECTION 1. The last paragraph of section 925—133, statutes of 1898, is hereby amended so as to read as follows:

"No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city * * * *In case of bonds issued for street improvements, school purposes, water works, sewerage, parks and public grounds a vote of the people of the city shall not be required unless within thirty days after the passage by the common council of the city of the ordinance authorizing the issuing of bonds for such purposes there shall be filed in the office of the city clerk a petition in writing signed by not less than ten per cent in number of the voters who voted in said city at the last general state election, asking for submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided in section 943.* Provided that no bonds shall be issued so that the amount thereof, together with all other indebtedness of the city, shall exceed five per cent of the assessed valuation of the property therein at the last assessment for state and county taxes previous to the incurring of such indebtedness; that all bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their date and shall bear interest not exceeding six per cent per annum, payable semi-annually, and that the council shall have provided for the collection of a direct annual tax sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the date of the issue of *the* bonds." * * *

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

*This section was amended by chapter 277, laws of 1903.

No. 572, A.] [Published April 11, 1905.

CHAPTER 62.

AN ACT to authorize Kimberly and Clark Company, its successors and assigns, to construct and maintain a foot-bridge across the Fox river, in Outagamie county, Wisconsin, from the town of Buchanan, on the south side, to the town of Kaukauna, on the north side.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Foot-bridge across Fox river authorized. SECTION 1. Kimberly and Clark Company, a Wisconsin corporation, with home office at Neenah, Winnebago county, Wisconsin, its successors and assigns, are hereby authorized to construct and maintain, for the use of itself, its successors and assigns, and the public a free foot-bridge across the Fox river on any land they own or have a right of use, for such purpose, in Outagamie county, Wisconsin, from a point on the south side of said Fox river, in the town of Buchanan, at or near the village of Kimberly, to a point on the north side of said Fox river, in the town of Kaukauna. Provided, that a suitable draw be built and maintained and operated in said bridge for the passage of boats; and that said bridge be so constructed as not necessarily to interfere with navigation; and that same be constructed according to plans approved by the chief of engineers and by the secretary of war of United States.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

No. 314, S.] [Published April 11, 1905.

CHAPTER 63.

AN ACT to amend section 5 of chapter 218 of the laws of 1899, as amended by section 1 of chapter 70 of the laws of 1901, and as further amended by chapter 388 of the laws of 1903, relating to the district court of Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of court. SECTION 1. Section 5 of chapter 218 of the laws of 1899, as amended by section 1 of chapter 70 of the laws of 1901, and as further amended by chapter 388 of the laws of 1903, is hereby amended by adding thereto "or for the violation of any rule, regulation or ordinance of any board of health, of any town, city or village," so that said section when so amended shall read as follows: Section 5. Said district court shall have exclusive jurisdiction to try and sentence all offenders against the ordinances of said city of Milwaukee, and it shall have exclusive jurisdiction to hear, try and determine all charges for misdemeanors arising within said county otherwise triable before a justice of the peace, and in addition thereto said district court shall also have jurisdiction to hear, try and determine all charges for offenses arising within said county of Milwaukee, the punishment whereof does not exceed one year's imprisonment in the state prison or county jail, or a fine not exceeding five hundred dollars, or by both such fine and imprisonment; said court shall also have authority and jurisdiction to issue warrants for the apprehension of persons charged with the commission of offenses in said county of Milwaukee and not triable before a justice of the peace of said county; and exclusive jurisdiction to examine said alleged offenders and commit or hold them to bail, the same as a justice of the peace might otherwise do. Said district court shall in no event have or exercise jurisdiction in bastardy proceedings. Nothing herein contained shall be construed to deprive any justice of the peace of any town, or any city or village justice in any incorporated city or village in Milwaukee county, except only in the city of Milwaukee, of jurisdiction to hear, try and determine complaints for the violation of any ordinance of any such town, city or village, *or for the violation of any rule,*

regulation or ordinance of any board of health, of any town, city or village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

No. 488, S.] [Published April 11, 1905.

CHAPTER 64.

AN ACT to authorize the county of Winnebago to repay to the state of Wisconsin its indebtedness on account of a loan from the trust funds, and to authorize the state treasurer to receive the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repayment of loan authorized. SECTION 1. The treasurer of the state of Wisconsin is hereby authorized and directed to receive from the county of Winnebago, at any time hereafter, twenty-eight thousand dollars on account of the indebtedness of said county on its loan from the trust funds and the said county of Winnebago is hereby authorized to make such payment at any time before the maturity of said indebtedness.

Interest refunded. SECTION 2. The commissioners of the public lands are hereby authorized to refund to said county of Winnebago any unearned interest paid in advance on said loan.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

No. 5, S.] [Published April 24, 1905

CHAPTER 65.

AN ACT to amend section 335c of the statutes of 1898, as amended by chapter 131 of the laws of 1903, and section 335d of the statutes of 1898, as amended by chapter 355 of the laws of 1903, to provide for the printing and binding of certain official reports.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Printing official reports. SECTION 1. Section 335c of the statutes of 1898, as amended by chapter 131 of the laws of 1903, is hereby amended so as to read as follows: Section 335c. After the examination required by section 333 and not less than ten days after the reports have been received by the commissioners of public printing, the secretary of state shall deliver them to the state printer who shall immediately proceed to print not to exceed the number of copies of reports therein (herein) specified.

Secretary of State,	3,500;
State Treasurer,	1,500;
State Superintendent,	9,000;
Railroad Commissioner,	1,000;
Adjutant General and Quartermaster General,	1,000 each;
Commissioner of Labor Statistics,	*5000;*
Dairy and Food Commissioner,	*20,000;*
Bank Examiner,	*1,500;*
State Supervisor of Inspectors of Illuminating Oils,	800;
State Board of Control,	2,000;
* * *	
Board of Regents of the University and Board of Regents of Normal Schools,	1,000 each;
Commissioners of Public Lands,	850;
State Board of Health,	9,000;
Milwaukee Hospital for the Insane and State Industrial School for Girls,	800 each.

There shall be printed 2,000 copies of the message of the governor to the regular session of the legislature next to convene after the close of the biennial term covered by said reports.

Cloth binding. SECTION 2. Section 335d, as amended by chapter 355, of the laws of 1903, is hereby amended so as to read as follows: Section 335d. The copies of such reports which are not required to be in public documents shall be bound as follows: In cloth: governor, 500; secretary of state, 3,000; state treasurer, 500; state superintendent, 500; dairy and food commissioner, 5,000; railroad commissioner, 1,000; *bank examiner, 1,500;* commissioner of labor statistics, *1,500.* * * *

All other reports shall be bound in paper.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 222, S.] [Published April 11, 1905.

CHAPTER 66.

AN ACT to amend section 3 of chapter 313 of the laws of 1899, fixing a penalty relating to impure milk and cream.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jail penalty provided. SECTION 1. Section 3 of chapter 313 of the laws of 1899 is hereby amended by inserting after the word "offense" at the end of said section the words, "or be confined in the county jail not less than thirty days nor more than sixty days," so that said section when so amended shall read as follows: Section 3. Any person violating any of the provisions of this act shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, *or be confined in the county jail not less than thirty days nor more than sixty days.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

No. 254, S.] [Published April 11, 1905.

CHAPTER 67.

AN ACT to establish a ferry across Lake St. Croix at Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exclusive right to establish ferry. SECTION 1. Francis Maguire, his successors and assigns, shall have the exclusive right and privilege, for the term of ten years, from and after April 1st, 1905, of keeping and maintaining a ferry across Lake St. Croix, from the city of Hudson, in the state of Wisconsin, to Lakeland in the county of Washington, in the state of Minnesota, and no ferry charter shall be granted during the said period, within one mile below the said city of Hudson and the village of Lakeland, and above said city and village and below the railroad bridge over the Lake St. Croix. This grant, so far as it is exclusive, being, however, upon condition that the said Francis Maguire, his successors and assigns, shall, during said period, maintain and operate the said ferry so as to subserve the public interest and convenience, as herein provided.

Service defined. SECTION 2. There shall be kept at such ferry a good and sufficient boat or boats, propelled by steam or otherwise, for the use and accommodation of all persons wishing to cross said ferry; and said Francis Maguire, his successors, and assigns, shall give prompt and ready attendance to passengers desiring to cross said ferry either with or without teams and merchandise on all occasions; provided, that said boat or boats need not be run when serious injury would result thereto by contact with ice, or otherwise; and provided, further, that when crossing is demanded after eight o'clock at night, double the usual rates for ferrying may be charged; and provided further, that said Francis Maguire, his successors and assigns, shall not be obliged to run their boat or boats before the hour of seven A. M. nor after the hour of eight P. M. of each week day, nor before the hour of nine A. M. nor after the hour of six P. M. on Sunday; and provided further, that said Francis Maguire, his successors and assigns, shall forfeit and pay to every person or persons all damages which said person or persons shall suffer by reason of said Francis Maguire,

his successors and assigns, failing, neglecting or refusing to give prompt and due attendance upon such person or persons desiring to cross on said ferry, or for failing, neglecting or refusing to keep a good and sufficient boat or boats for the safe and speedy crossing of passengers or property.

Rates authorized; how reduced. SECTION 3. The rates for crossing at the said ferry shall not exceed the following: namely;—for each foot passenger, one way, ten cents; for round trip, fifteen cents; for each horse, mare, gelding, mule or ass, with or without rider, one way, twenty cents; for each vehicle drawn by two animals, loaded or unloaded, with a driver, one way, forty cents; and for a round trip, sixty-five cents; for each two horse or two ox team, with a driver and without a wagon, one way, thirty cents; for single horse and carriage, one way, thirty cents; and for a round trip, fifty cents; for each ox or cow, one way, fifteen cents; for each swine, or sheep, one way, five cents. All freight or merchandise or other articles, not with or on a wagon or team, at the rate of five cents per barrel, or five cents per hundred weight; lumber shall be ferried at the rate of thirty cents per thousand feet when delivered on board said boat or boats; provided, that the city council of the city of Hudson shall have authority to reduce said rates, whenever it shall deem proper.

Conflicting laws repealed. SECTION 4. All acts or parts of acts which contravene the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after April 1, 1905.

Approved April 8, 1905.

No. 91, S.] [Published April 11, 1905.

CHAPTER 68.

AN ACT to regulate the registration of, and the granting of certificates of pedigrees for horses and other animals sold or kept for breeding purposes in this state.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Who may keep books of registration and grant pedigrees. SECTION 1. Such corporations, persons and voluntary associations as may from time to time be certified by the Secretary of Agriculture to the Secretary of the Treasury of the United States as being reliable and worthy of recognition, and which said Secretary of Treasury under the regulations adopted by him, shall accept and recognize as competent to grant registration and certificates of pedigrees for animals imported for breeding purposes which certificates he allows to protect the owners of such animals against the payment of duty under paragraph 473 of the tariff act of July 24th, 1897, shall be, and they are hereby authorized and permitted, to keep books of registration and to grant pedigrees for all horses and other animals which may be kept, sold or offered for sale for breeding purposes in this state, or the services of which shall be offered for breeding purposes, and all certificates of registration and all pedigrees granted by such authority, shall be taken and held prima facie evidence of the facts stated therein and shall fully protect the holders thereof under this act.

What books of registration and pedigrees are prohibited. SECTION 2. It shall be unlawful for any person, firm, corporation or voluntary association, other than some one of those designated in section 1 of this act, to keep any books of registration or to issue, or to offer to issue, any certificate of registration or any pedigree on any horse or other animal, or to hold themselves out as being authorized to issue any such certificate of registration or pedigree within the state of Wisconsin, under the penalty hereinafter set forth, and any certificate of registration or pedigree issued in violation of this section shall be deemed null and void.

Possession and exhibition of certain pedigrees prohibited. SECTION 3. It shall be unlawful for any person, firm, corporation or association in this state to have in his or its possession, or to claim to have in his or its possession, or to exhibit in the course of business, any certificate of registraton or any pedigree issued by any person, firm, corporation or association other than those designated in section 1 of this act.

Pure blood stock defined. SECTION 4. It shall be unlawful for any person to sell or offer to sell any horse or other animals as pure blood stock or to offer to the public the services of any horse or other animal for breeding purposes whose certificate of registration or whose pedigree may have been issued by any person, firm, corporation or association other than those designated in section 1 of this act.

Penalty provided. SECTION 5. Any person, firm, corporation or association violating any one of the provisions of this act shall be deemed guilty of a misdemeanor and shall on conviction be punished by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars for each and every offense, or shall be imprisoned in the county jail or state prison not exceeding one year, or by both fine and imprisonment in the discretion of the court.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

[illegible] [illegible] Published April 12, 1905.

CHAPTER 69.

AN ACT to provide for the construction of a dam across Elk creek in the county of [illegible].

The people of the state of Washington, represented in senate and assembly, do enact as follows:

Erection of dam authorized. SECTION 1. Thomas B. Wilson, his associates, heirs and assigns are hereby authorized and empowered to erect, construct and maintain a dam across Elk Creek in the northeast quarter of the northeast quarter of section twenty-four (24) in township twenty-seven (27) north, of range eleven (11) west.

Damages from flowage to whom paid. SECTION 2. The right to flow, flood and overflow the lands of others from such dam is limited to the right given, and subject to the damages provided for, in chapter 146 of the revised statutes of this state for the year 1898, and all acts amendatory, or that may be passed amendatory, thereof.

Rights reserved to state. SECTION 3. The right to repeal or amend this act is reserved to the state.

Fishways. SECTION 4. There shall be maintained in said dam such fishways as shall be required by the commissioners of fisheries.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

No. 239, A.] [Published April 12, 1905.

CHAPTER 70.

AN ACT to amend section 4432 of the statutes of 1898, as amended by chapter 108 of the laws of 1901, relating to the use of false weights or measures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

False weights, etc. SECTION 1. Section 4432, as amended by chapter 108 of the laws of 1901, is hereby amended so as to read as follows: Section 4432. Any produce merchant, warehouseman, miller or storage, forwarding or commission merchant or any other person who shall wilfully use false weights or measures in the buying or selling of any commodity or thing, and thereby shall cheat or defraud the seller or buyer of any such commodity or thing; or any person who shall sell or offer to sell or have in his possession for the purpose of selling, any device or machine to be used to or calculated to falsify any weight or measure, *or any person who shall wilfully use a false meter for the measurement of electric current, gas or water in the buying or selling of the same, or who shall wilfully obstruct or interfere with the working of any meter, used for such purposes, so as to cause a false registration of the amount of electric current, water or gas consumed with the intent to cheat or defraud the seller or buyer of such electric current, gas or water,* shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars; but in case the amount of damages occasioned by such cheat or fraud shall not exceed twenty dollars he shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding one hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

No. 357, A.] [Published April 12, 1905.

CHAPTER 71.

AN ACT to amend section 1659 of the statutes of 1898 to provide fees for the state sealer of weights and measures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State sealer and seal; fees. SECTION 1. Section 1659 of the statutes of 1898 is hereby amended so as to read as follows: Section 1659. The custody of said standards is given to the department of engineering of the state university, subject to the control of the board of regents thereof, and the professor of engineering shall be the state sealer of weights and measures. He shall keep a seal which shall be so formed as to impress the letters "Wis." upon the weights and measures, scales and beams sealed by him, with which he shall seal all authorized public standard weights and measures, scales and beams provided by the several counties, when tried and proved to be in conformity to the standard weights and measures, scales and beams aforesaid. *He shall be entitled to receive a fee of ten cents for the testing and sealing of each weight, measure, scale and beam tested and sealed by him.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

No. 360, A.] [Published April 12, 1905.

CHAPTER 72.

AN ACT to amend section 3716 of the statutes of 1898, and providing that any number of garnishees may be embraced in the same affidavit and garnishee summons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Affidavit for garnishment. SECTION 1. Section 3716 of the statutes of 1898 is hereby amended so as to read as follows: Section 3716. Whenever any action shall have been commenced, by summons, upon contract, express or implied, or by warrant of attachment in a justice's court, if the plaintiff or some one in his behalf shall make and deliver to the officer having such summons or attachment an affidavit stating that the affiant has good reason to believe that some person (naming him) is indebted to the defendant or has personal property in his possession or under his control belonging to the defendant, or when there is more than one defendant, to any or either of them, not by law exempt from sale on execution, and demand that he shall summon such person as garnishee such officer shall summon such person in writing to appear before the justice, on the return day of such summons or attachment, to answer touching his liability as garnishee. Such affidavit may be amended with the same effect as is provided in section 3702. *Any number of garnishees may be embraced in the same affidavit and garnishee summons but if a joint liability be claimed against any it shall be so stated in such affidavit and the garnishee named as jointly liable shall be deemed jointly proceeded against, otherwise the several garnishees shall be deemed severally proceeded against.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

No. 474, A.] [Published April 12, 1905.

CHAPTER 73.

AN ACT to amend section 1513 of the statutes of 1898, relating to commitment to the county poor-house.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Commitment to poor-house. SECTION 1. Section 1513 of the statutes of 1898 is hereby amended so as to read as follows: Section 1513. Whenever it shall appear to the satisfaction of *any judge of any court of record* by a petition signed by the officer, if there be but one, or by any two officers charged with the care of the poor in any town, city, village or county that any person having a legal settlement therein is without sufficient means of support and necessary care and is by reason of sickness, infirmity, decrepitude, old age, drunkenness or pregnancy likely to become a public charge, either temporarily or permanently, or that such person lives in a state of indigence, squalor or filth likely to induce disease, or has removed to another town, city, village or county and has applied for and received temporary relief therein, and that the town, city, village or county represented by the petitioner or petitioners has reimbursed the municipality affording such relief, such judge may commit such person to the poor-house of his county, if there be one therein, otherwise to the poor-house of some other county for a definite time, not less than sixty days, or for an indefinite time, subject to such further order as he may make; but no person shall be so committed without having an opportunity to be heard in person or by some one in his behalf. Any order or process issued by such judge under this section may be served and such commitment may be made by any officer charged with the care of the poor in the county where the proceedings are had.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

No. 538, A.] [Published April 12, 1905.

CHAPTER 74.

AN ACT amendatory of section 2014—16 of the statutes of 1898, relating to the annual report on building and loan associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Examiner's report. SECTION 1. Section 2014—16 of the statutes of 1898 is hereby amended so as to read as follows: Section 2014—16. Said examiner shall annually, at the earliest practicable date after the reports are received, make a report to the governor of the general conduct and condition of all building and loan associations doing business in this state, including the information contained in such reports, arranged in tabular form, together with such suggestions as he may deem expedient. He shall also report the names and compensation of employes and other expenses in relation to such association, the whole amount of the income and the sources whence derived. *Not to exceed* one thousand copies of said report shall be printed; each local association shall be entitled to three copies, the remainder to be for general distribution.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

No. 127, A.] [Published April 12, 1905.

CHAPTER 75.

AN ACT to amend chapter 136 of the laws of 1901, providing for the manner of changing names of persons and for the registry of names.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Declaration, what to contain; where filed. SECTION 1. Section 1 of chapter 136 of the laws of 1901 is hereby amended so as to read as follows: Section 1. Any person desiring to alter or change his, or her, name may do so by filing with the register of deeds of the county in which he resides a declaration setting forth substantially as follows: First. His name or names usually used and known at the time of declaration, with his place of residence, giving street and house number if he, or she, resides in a town where houses are numbered: Second. His age, place of birth, and, if of foreign birth, the time he or she came to this country, and approximately the length of time he or she has resided in each place. Third. Briefly and concisely the object and purpose of the alteration or change of name, for example, too many of the same name and other explanation may be given. Fourth. The name as changed or adopted. *Fifth. A complete description of all real estate owned by him in this state, and the county wherein the same is situated.*

Filing, indexing of names; fees authorized. SECTION 2. Section 4 of chapter 136 of the laws of 1901 is hereby amended so as to read as follows: Section 4. It shall be the duty of the register of deeds to number consecutively all declarations filed in his office and to index both the old and the new names of declarators, so that the declarations may easily be found and referred to under both the old and the new names *and to enter the same upon the tract index.* Such index must show, besides the names and the number of the declaration, *a description of all real estate contained in the declaration,* also the date of filing, the post office address of the declarator opposite both the old and new names. For filing and indexing the register of deeds shall be entitled to *one dollar* for each declaration, to be

paid by the person presenting the same. Upon demand and the payment of *one dollar* the register of deeds shall deliver to any person who may apply therefor, a certified copy of such declaration, and such certified copy may be filed in the office of the register of deeds of any other county in the state upon the payment of a like fee of *one dollar*.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

No. 647, A.] [Published April 14, 1905.

CHAPTER 76.

AN ACT to amend section 6, chapter 274, of the laws of 1880, entitled "An act authorizing the city of Winona to construct, operate and maintain a bridge across the Mississippi river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liability for damages; city to light bridge; to appoint agent in Buffalo county. SECTION 1. Section 6, chapter 274 of the laws of 1880, is hereby amended so as to read as follows:

Section 6. The said city of Winona shall be liable for all damages sustained or suffered by any person travelling or being upon its said wagon road, or any bridge constituting a part thereof, caused by the improper construction of such road or bridge, or want of reasonable diligence in keeping the same in repair; *and in addition thereto said city shall cause said wagon road to be well and properly lighted by gas or electricity;* and the said city of Winona shall appoint in writing a suitable person, who shall reside in the said county of Buffalo, as its agent or attorney, upon whom service of process for the commencement of actions to recover damages for any such injuries, and service of such process in the manner prescribed by law for the service of process in civil actions upon persons within this state, shall be deemed a service upon said city of Winona.

No. 96, S.] [Published April 12, 1905.

CHAPTER 69.

AN ACT to provide for the construction of a dam across Elk creek, in the county of Dunn.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Erection of dam authorized. SECTION 1. Thomas B. Wilson, his associates, heirs and assigns are hereby authorized and empowered to erect, construct and maintain a dam across Elk Creek in the north-east quarter of the north-east quarter of section twenty-four (24) in township twenty-seven (27) north, of range eleven (11) west.

Damages from flowage to whom paid. SECTION 2. The right to flow, flood and overflow the lands of others from such dam is limited to the right given, and subject to the damages provided for, in chapter 146 of the revised statutes of this state for the year 1898, and all acts amendatory, or that may be passed amendatory, thereof.

Rights reserved to state. SECTION 3. The right to repeal or amend this act is reserved to the state.

Fishways. SECTION 4. There shall be maintained in said dam such fishways as shall be required by the commissioners of fisheries.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1905.

No. 239, A.] [Published April 12, 1905.

CHAPTER 70.

AN ACT to amend section 4432 of the statutes of 1898, as amended by chapter 108 of the laws of 1901, relating to the use of false weights or measures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

False weights, etc. SECTION 1. Section 4432, as amended by chapter 108 of the laws of 1901, is hereby amended so as to read as follows: Section 4432. Any produce merchant, warehouseman, miller or storage, forwarding or commission merchant or any other person who shall wilfully use false weights or measures in the buying or selling of any commodity or thing, and thereby shall cheat or defraud the seller or buyer of any such commodity or thing; or any person who shall sell or offer to sell or have in his possession for the purpose of selling, any device or machine to be used to or calculated to falsify any weight or measure, *or any person who shall wilfully use a false meter for the measurement of electric current, gas or water in the buying or selling of the same, or who shall wilfully obstruct or interfere with the working of any meter, used for such purposes, so as to cause a false registration of the amount of electric current, water or gas consumed with the intent to cheat or defraud the seller or buyer of such electric current, gas or water,* shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars; but in case the amount of damages occasioned by such cheat or fraud shall not exceed twenty dollars he shall be punished by imprisonment in the county jail not more than three months or by fine not exceeding one hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1905.

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 502, A.] [Published April 14, 1905.

CHAPTER 79.

AN ACT to amend section 22, of chapter 451, laws of 1903, entitled "An act to provide for party nominations by direct vote."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Party platform. SECTION 1. Section 22 of chapter 451 of the laws of 1903, is hereby amended by adding after the word "Primary" in the third line of said section, the words, "and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing," so that said section, number 451, when so amended, shall read as follows:

Section 22. The candidates for the various state offices, and for senate and assembly nominated by each political party at such primary, *and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing* shall meet at the capitol at twelve o'clock noon on the fourth Tuesday of September after the date on which any primary is held preliminary to any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a state central committee of at least two members from each congressional district and a chairman of such committee, and perform such other business as may properly be brought before such meeting. The platform of each party shall be framed at such time that

it shall be made public, not later than six o'clock in the afternoon of the following day.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 314, A.] [Published April 14, 1905.

CHAPTER 80.

AN ACT to legalize the transfer of the surplus water fund to the general city fund for the years 1892, 1893, 1894, 1895, 1896, and 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tarnsfer legalized. SECTION 1. All proceedings had and taken by the common council or other officer of any city of the first class, whether operating under general or special charter, wherein and whereby any money belonging to the water fund of such city, has been transferred to the general fund of such city and used by such city for lawful, municipal purposes, are hereby ratified and declared to be legal, valid and binding.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 126, A.] [Published April 14, 1905.

CHAPTER 81.

AN ACT to amend section 2525, statutes of 1898, relating to persons exempt from serving as jurors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Who exempt as jurors. SECTION 1. Section 2525, statutes of 1898, is hereby amended so as to read as follows:

Section 2525. The following persons shall as (be) exempt from serving as jurors:

1. All officers of the United States; elective state officers; members and officers of the legislature during the session thereof; judges and clerks of courts of record; city and county officers; constables; officers and employees of the several state institutions; officers of fire departments and active members of fire companies organized according to law; members of Wisconsin National Guard, and members thereof who are honorably discharged after five year's service, or by reason of injury received in the line of duty.

2. Attorneys and counsellers at law; practicing physicians; surgeons; dentists; ministers of the gospel or of any religious society; the president and cashier of any state or national bank.

3. The president, professors and instructors of the University and their assistants; and of the several colleges and incorporated academies, teachers in normal, public or private schools.

4. One miller to each grist mill; one head sawyer and engineer in each steam saw mill and shingle mill; one foreman and engineer in each factory and machine shop.

5. One dispensing druggist in each prescription drug store; * * * *one embalmer holding license issued by the state board of health in each undertaking establishment.*

6. Telegraph operators, superintendents, conductors, collectors, engineers, firemen, *brakemen*, and station agents of any railroad, express or canal company, while in actual regular employment as such; one ferryman to each licensed ferry.

7. All persons more than sixty years of age.

8. All persons who have been convicted of any infamous crime.

9. Every person drawn and summoned and having served as a grand or petit juror at any regular term of the court of record shall be disqualified from serving again as a grand or petit juror in the same county from (for) one year thereafter, except he shall be summoned on a special venire or as a talesman.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 76, A.] [Published April 14, 1905.

CHAPTER 82.

AN ACT to prohibit the manufacture and sale of cigarettes, cigarette paper or wrappers, or substitute therefor, and providing for a penalty for the violation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale, manufacture, or giving away of cigarettes and cigarette papers prohibited; penalty. SECTION 1. Any person who shall, by himself, his servant or agent, or as the servant or agent of any other person, directly or indirectly, or upon any pretense, or by any device, manufacture, sell, offer for sale, keep for sale, give away, or otherwise dispose of, or bring into this state for the purpose of selling, offering for sale, giving away, or otherwise disposing of any cigarettes, cigarette paper or cigarette wrappers, or any substitute therefor, or any paper made or prepared for the purpose of making cigarettes or any substitute therefor, or for the purpose of being filled with tobacco for smoking; or who shall own, keep or be in any way concerned, engaged or employed in, owning or keeping any such cigarettes, cigarette paper, cigarette wrappers, or substitute therefor; or who shall authorize or permit the same to be done with the intent to violate any provisions of this section, shall be guilty of a misdemeanor and upon conviction thereof

shall be punished, for the first offense by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days, and for the second and each subsequent offense by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months; that one-half of the fine recovered shall go to the complaining witness; provided, that the provisions hereof shall not apply to the sales of jobbers or manufacturers doing an interstate business with customers outside of this state.

Laws repealed. SECTION 2. Section 4608f of the statutes of 1898 and all other acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after July 1st, 1905.

Approved April 13, 1905.

No. 93, A.] [Published April 14, 1905.

CHAPTER 83.

AN ACT amendatory of section 1021c of the statutes of 1898, relating to the oppointment and term of office of the commissioner of the bureau of labor and industrial statistics.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of Commissioner, term of. SECTION 1. Section 1021c, of the statutes of 1898, is hereby amended, so as to read when amended as follows: Section 1021c. A commissioner of said bureau shall be appointed by the governor, with the advice and consent of the senate, for the term of *four* years from the first Monday of February in the year of his appointment. Vacancies shall be filled for the unexpired term.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 28. A.] [Published April 14, 1905.

CHAPTER 84.

AN ACT to authorize the village board of the village of Pewaukee, Waukesha county, Wisconsin, to fill in at the foot of Pewaukee lake for the purpose of widening Main street and improving navigation, and to erect docks and piers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Village board authorized to fill in lake, build docks and piers.

SECTION 1. The village board of the village of Pewaukee, Waukesha county, Wisconsin, is hereby authorized and empowered to fill in at the foot of Pewaukee lake, where it abuts upon Main street in said village, to a distance in said lake, not to exceed 100 feet, for the purpose of widening Main street and improving navigation; and said village board is also authorized to build and maintain such docks and piers, extending into said lake from the said street when filled in, as they shall deem necessary and convenient for the public use.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 231, S.] [Published April 14, 1905.

CHAPTER 85.

AN ACT to compel the rebuilding and reconstruction of the railway bridge of the Chicago & Northwestern Railway Company, Montford line so-called, and of the Chicago, Milwaukee & St. Paul Railway Company, Prairie du Chien line so-called, over Wingra Creek, in the town of Madison, Dane county, and likewise to compel the town of Madison, in said county, to rebuild and reconstruct its highway bridges over said creek, so as to remove obstructions to the navigation of said creek.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railway company compelled to reconstruct bridges. SECTION 1. It shall be the duty of the Chicago & Northwestern Railway Company, on or before the 1st day of December, 1905, to reconstruct the railroad bridge owned by it, on its Montfort line so-called, over Wingra creek, which extends from Lake Wingra to Lake Monona in the town of Madison, Dane county, Wisconsin, in such manner as to raise the same and the tracks adjoining and over said bridge so that the bottom structures of said bridge, when so reconstructed, shall be at least eight feet above the level of the water in Lake Monona, at an ordinary stage of water in said lake, and so that there shall be left a clear lateral space or width under said bridge of at least twenty feet.

Railway company compelled to reconstruct bridges. SECTION 2. It shall be the duty of the Chicago, Milwaukee & St. Paul Railway Company, on or before the 1st day of December, 1905, to reconstruct the railway bridge owned by it, on its Prairie du Chien line so-called, over said Wingra Creek, in such manner as to raise the same and the tracks adjoining and over said bridge, so that the bottom structures of said bridge, when so reconstructed, shall be at least eight feet above the level of the water in Lake Monona, at an ordinary stage of water in said lake, and so that there shall be left a clear lateral space or width under said bridge of at least twenty feet.

Town compelled to reconstruct bridges. SECTION 3. It shall be the duty of said town of Madison, on or before the 1st day of December, 1905, to so change, rebuild and reconstruct all bridges owned by said town and now spanning said Wingra Creek, as to raise or elevate the same so that the bottom structures of said bridges when so reconstructed, shall be at least eight feet above the level of the water in lake Monona, at an ordinary stage of water in said lake, and so that there shall be left a clear lateral space or width under each of said bridges of at least twenty feet.

Purpose of act. SECTION 4. Such reconstruction and raising of said railway tracks and bridges and of said town bridges, shall be so done for the purpose of restoring the public use and navigability of said creek, which are now obstructed by said bridges, and to permit of the permanent improvement of said waterway for the purposes of travel and navigation between said lakes Wingra and Monona.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1905.

No. 592, A.] [Published April 19, 1905.

CHAPTER 86.

AN ACT to authorize the Wauzeka Bridge Company in the county of Crawford, and state of Wisconsin, to construct and maintain a toll bridge across the Wisconsin river from a point in the village or town of Wauzeka, to a certain point in the town of Millville or Woodman, in the county of Grant, in said state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of bridge authorized. SECTION 1. The Wauzeka Bridge Company, in the county of Crawford, and state of Wisconsin, its successors and assigns are hereby authorized and empowered to construct and maintain a toll bridge across

the Wisconsin river, from a point either in section 19, in township seven north, of range four west, or in section twenty-four in township seven north, of range five west, to a certain point in section thirty, in township seven north, of range four west, or section twenty-five, in township seven north, of range five west in the county of Grant in said state; said bridge to be not less than sixteen feet wide and to be provided with good strong railings on the sides: provided, the location and construction of said bridge shall be approved by the war department.

Draw. SECTION 2. A suitable draw shall be constructed in said bridge of sufficient width, not less, however, than seventy-five feet in the clear when open for the free passage of steamboats and the same shall be so located and of sufficient height as not to obstruct the free passage of rafts with their deck loading and of timber, lumber and logs passing down said river and said draw shall be open at all times free of charge for the passage of steamboats up and down said river when they shall desire so to pass.

Tolls, rates of. SECTION 3. Said Wauzeka Bridge Company, its successors and assigns shall have the power and the legal right immediately after the completion of said bridge to demand and receive and collect tolls for passage over said bridge at rates not exceeding the following: For any vehicle drawn by two horses, mules or oxen, twenty cents, for any vehicle drawn by one horse or mule, ten cents for round trip; for horses or cattle in droves of ten or less, five cents per head, and for droves of more than ten, three cents per head; for droves of swine or sheep of not more than ten, three cents per head, and for droves of more than ten, two cents per head and for each foot passenger five cents each way.

Schedule of rates to be posted. SECTION 4. Said Wauzeka Bridge Company, its successors and assigns, shall keep posted on said bridge in a conspicuous place a schedule of the rates to be charged for passage over said bridge not exceeding the rates limited by this act.

Time limit of act. SECTION 5. If the conditions contained in this act are fully kept and performed, this act shall continue in full force and operation for the period of twenty years from the passage hereof unless sooner repealed.

Conflicting acts repealed. SECTION 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1905.

No. 142, A.] [Published April 19, 1905.

CHAPTER 87.

AN ACT to repeal chapter 313 of the laws of 1901, creating a municipal court in and for Forest county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Act repealed. SECTION 1. Chapter 313 of the laws of 1901, entitled "An act to create a municipal court in and for Forest county," is hereby repealed.

Jurisdiction of judge continued. SECTION 2. The jurisdiction of the judge of said municipal court is hereby continued to July 1st, 1905, for the purpose of completing all trials of actions, examinations and proceedings pending and undetermined in said municipal court at the time this act goes into effect.

Dockets, etc., where to be deposited. SECTION 3. All dockets, both civil and criminal, together with all papers, records and files of said municipal court shall be deposited with and kept by the county judge of said county of Forest, who is hereby made the legal custodian thereof.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1905.

No. 600, A.] [Published April 19, 1905.

CHAPTER 88.

AN ACT relating to emergency appointments in cities of the first class, and prescribing the duty of appointing officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Emergency appointments, notice of; period of, limited. SECTION 1. In every city of the first class in this state, whether operating under general or special charter, notice of all emergency appointments to subordinate offices, positions and employment in the several departments of the service of any such city shall be by the respective heads of any such department, within ten days thereafter, forwarded to the common council of any such city; and no appointment shall be made by the respective heads of any such department for a period longer than twenty days, except as provided by chapter 313 of the laws of 1895, and acts amendatory thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1905.

No. 437, S.] [Published April 19, 1905.

CHAPTER 89.

AN ACT to amend chapter 170 of the statutes of 1898, relating to guardians and wards, by adding sections relating to special guardians.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When special guardian may be appointed. SECTION 1. Chapter 170 of the statutes of 1898, relating to guardians and wards, is hereby amended by adding thereto the following sections:

Section 3995c. When there shall be delay in appointing a guardian of a minor, insane person or other person subject to guardianship, or in issuing letters of guardianship to such guardian, occasioned by any contest concerning a guardian appointed in any will, or from any other cause, or when it shall appear to the satisfaction of the court to be necessary, the county court may appoint a special guardian for such ward, to act until the matter causing the delay shall be disposed of or the necessity therefor cease to exist. No appeal shall be allowed from the appointment of such special guardian, and such special guardian may be appointed without notice. Such special guardian may be removed whenever the court may so order.

Powers and duties of special guardian. Section 3995d. Such special guardian shall have power to collect all the goods, chattels and credits of the ward and, with leave of the court, to lease for a term not exceeding one year the real estate of the ward, to care for, gather and secure crops, and do such other things as the court shall direct and as may be deemed for the interest of the ward, and preserve all the property of the ward, and may, for such purposes, demand, sue for, collect and receive all debts due to him, and sell such personal property of the ward as the court may direct. Such special guardian shall not be liable to any action by any creditor or be called upon in any way to pay the debts of the ward. Such special guardian may have the custody of the ward if the court shall so order upon a hearing to be had after notice of

the time and place of such hearing, to be served on the ward, and, if he be under fourteen years of age, also on his parent, if living in this state, at least five days before such hearing; but the ward and such parent may waive in writing the service of such notice; whereupon such order concerning the custody of the ward may be made immediately. Such special guardian may be required to appear before the county cuort in the same way that a guardian may be required to appear before such court.

Bond. Section 3995e. Every such special guardian shall, before entering upon the duties of his trust, give a bond to the ward in such sum and with such sureties as the court may designate and approve, and conditioned as provided in section 3966. Sections 3967 and 3968 shall be applicable in every case of an appointment of such a special guardian.

Power of when to cease; delivery of property to successor. Section 3995f. If such special guardian shall not be sooner removed, his power shall cease upon the issuing of letters of guardianship to the guardian of his ward, or, if the ward be a minor, upon his becoming of age, or when it shall be judicially determined that any other disability of the ward which was the cause of the guardianship has terminated; and such special guardian shall, upon his removal or other termination of his power, forthwith deliver to the person or persons entitled thereto, all the property and effects of the ward in his hands; and any action which may have been commenced by such special guardian may be prosecuted to final judgment by his successor or successors in interest. Section 3993 shall apply to every such special guardian.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1905.

No. 690, A.] [Published April 21, 1905.

CHAPTER 90.

AN ACT to amend section 1972 of the statutes of 1898, relating to fees payable by licensed insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees payable; to what companies not to apply. SECTION 1. Section 1972 of the statutes of 1898 is hereby amended to read as follows: Section 1972. There shall be paid to the commissioner of insurance in addition to the fees elsewhere in these statutes provided for, by every insurance corporation, person or agent to whom this chapter applies, * * * the following fees: For filing the first declaration or statement, with certified copy of charter, twenty-five dollars; for filing the annual statement of any insurance corporation, twenty-five dollars; for each certificate of authority issued by him to the agents of any company organized under the laws of this state, one dollar; for each such certificate to the agents of any life or accident insurance company not so organized, one dollar, and for each certificate issued by him to each agent of any foreign fire or marine insurance company not organized as aforesaid, two dollars; for every copy of a paper filed in his office, other than such declarations and statements, fifteen cents per folio, and for certifying and affixing his seal to any paper, fifty cents. * * * In case two or more corporations shall combine to effect insurance under a joint policy or policies, each and every such corporation so combining shall pay the fees above provided the same as if each and every one wrote separate policies.

The provisions of this section shall not apply to mutual hail, cyclone and fire insurance companies organized under the laws of this state, except those organized under sections 1896, 1897 and 1898, provided, however, that license or certificate of authority may be issued to agents of any such mutual companies upon request and payment of fees as herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

No. 575, A.] [Published April 21, 1905.

CHAPTER 91.

AN ACT relating to election of judges amending section 94s, statutes of 1898, as amended by section 1, chapter 7, laws of 1899, and section 4, chapter 10, of the laws of 1903; and section 2441, statutes of 1898, as amended by section 2, chapter 7, laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacancy in office of circuit or county judge; how filled. SECTION 1. Section 94s of the statutes of 1898, as amended by section 1, chapter 7, of the laws of 1899, and section 4, chapter 10, laws of 1903, is hereby amended so as to read as follows: "Section 94s. In all cases of vacancy in the office of circuit judge or county judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy happens, in case such vacancy happen twenty days *or more* before such day; but if no election be then held for such purposes, or if the vacancy happen within twenty days before such first Tuesday, then the election shall be held on the first Tuesday of April next thereafter. In all cases of vacancy in office of justice of the supreme court the person appointed to fill such vacancy shall continue to hold his office until an election can be had in some year in which no other justice is elected * * * and until his successor is elected and qualified: *Provided that no election to fill a vacancy for justice of the supreme court, circuit judge or county judge shall be held at the time of holding the regular election for such office.*

Section 2441 of the statutes of 1898, as amended by section 2, chapter 7 of the laws of 1899, is hereby amended so as to read as follows: "Section 2441. There shall be a general election of county judge in each county * * * on the first Tuesday of April, *1905*, and every fourth year thereafter. The term of office of county judge shall be four years, commencing on the first Monday of January after such election. When a vacancy shall occur in the office of county judge, * * * or there shall be no person qualified to take the office at the commencement of the term, the governor shall appoint such judge, and the person so appointed shall hold until the first Monday

of June next succeeding *an election to fill such vacancy; but when no election to fill such vacancy is held then such appointment shall be for the residue of the term,* and where any county judge shall be elected in a newly organized county the judge first elected shall hold his office until the first Monday of January following the first general election for county judges thereafter. *All county judges heretofore appointed to fill vacancies shall hold and continue in office until the first Monday of January, 1906.* Every county judge may be removed from office by an address in the manner provided in the constitution for the removal of justice of the supreme or judges of the circuit courts.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

Substitute for bill No. 28, S.] [Published April 21, 1905.

CHAPTER 92.

AN ACT to enable all cities in the state of Wisconsin to have one or two aldermen from each ward.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City may have one or two aldermen from each ward. SECTION 1. In all cities of this state of the second, third and fourth class whether governed by general or special charter, or by both, the common council may, by ordinance, provide that there shall be one or two aldermen from each ward, and shall determine the time and manner of their election; provided, however, that said ordinance shall not take effect until the same is submitted to and approved by a majority of the voters voting thereon at a general municipal election.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

No. 126, S.] [Published April 21, 1905.

CHAPTER 93.

AN ACT prohibiting fishing in any manner on Little Bass Lake, Vilas county, for a period of five years.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing prohibited. SECTION 1. For five years from and after the passage of this act, it shall be unlawful for any person, excepting an agent of the commissioners of fisheries of Wisconsin, to catch fish by any means whatsoever from Little Bass Lake, located on sections 7, 8, 17 and 18 in township 39, range 7 east, Vilas county, Wisconsin, and partially bounded on the north and west by lands belonging to the state of Wisconsin and used for the purposes of a fish hatchery.

Fish commission to post signs. SECTION 2. On or before May 25th, 1905, the commissioners of fisheries shall post conspicuously, at intervals of not less than forty rods along the entire shore line of said lake, printed signs not less than eighteen inches square, which shall read as follows: "Fishing on this lake is prohibited by Sec. ——, Chapter ——, Laws of 1905."

Penalty for violation of law. SECTION 3. Any person who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty-five dollars for each offense.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

No. 154, A.] [Published April 21, 1905.

CHAPTER 94.

AN ACT to authorize the appointment of a board of trustees to govern and manage the county hospital, county farm, almshouse, and department of outdoor relief, and to have the acre and support of poor in all counties having a population of 250,000 or over.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election of trustees; qualification; oath; bond; compensation; removal; organization of board. SECTION 1. In all counties in this state now having or which may hereafter have, according to any census theretofore taken, a population of two hundred and fifty thousand or more inhabitants, wherein the county board of supervisors has abolished all distinction between county poor and town poor in such county and has adopted the county system for the care and support of the poor, and wherein there has been or hereafter may be established and maintained at the expense of such county, a hospital for the care of destitute sick persons, not insane, a county poor farm, almshouse and water works, and a department of outdoor relief, the county board of supervisors shall elect by ballot five persons to act as a board of trustees of said county hospital, county poor farm, almshouse and water works and department of out-door relief, no more than three of whom shall be members of the same political party. Such trustees shall be citizens of the United States, residents and electors in the county and they shall hold no other lucrative office or position in the county government. Said county board of supervisors shall before the first day of July, 1905, at a regular or adjourned meeting elect by ballot said five trustees as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. All of said terms to date from the first day of July, 1905. Thereafter, when the term of office of any trustee shall expire, his successor shall be elected by said county board of supervisors for the term of five years and any vacancy occurring shall be filled for the unexpired term by said county board in like manner. Each trustee shall,

before entering upon the duties of his said office, take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge his duties to the best of his ability, and shall execute to the county his bond in a reasonable sum to be fixed by said county board for the faithful performance of his duties as such trustee, which oath or affirmation and bond shall be filed in the office of the county clerk. The compensation for each such trustee shall be five dollars per day for each day upon which said board shall actually be convened, but in no case shall the aggregate compensation of any trustee exceed twenty-five dollars in any one month. Any such trustee may be removed from office for misconduct or neglect of duty, by an affirmative vote of two-thirds of the members of said county board of supervisors, but before removal, he shall have notice in writing of the charges preferred against him and be given an opportunity to be heard. Such trustees shall be in no wise or in any manner pecuniarily interested either directly or indirectly in any contract or agreement whatever, verbal or written or otherwise with said board of trustees for the purchase of any article or thing whatever required by either of the above named departments of poor in the county; and all contracts and agreements made by said board of trustees in violation of the foregoing prohibition shall be void, and any such trustee who shall be guilty of such violation shall upon conviction thereof, in addition to removal from office, be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the state's prison not less than one year nor more than five years. Such trustees when elected and qualified shall organize by the election of a president, vice-president and secretary; the county board shall provide said board of trustees with suitable quarters for the transaction of its business.

Powers and duties of board; superintendents of poor; county physician. SECTION 2. Said board of trustees when appointed and qualified shall have the same power in all matters relating to the care and support of the poor in such county as is now vested in the county board and shall have the entire management of the county hospital, county farm, almshouse and water works, and the department of out-door relief and the entire management of the support and relief of poor in such county. They shall let all contracts and make all purchases for whatever may be necessary to maintain and, from time to

time improve said institutions and maintain, support and care for the poor in such institutions and shall audit all accounts therefor. They shall appoint biennially three superintendents of the poor, one of whom, who shall be a regularly licensed and registered physician and surgeon in good standing, shall be superintendent of the county hospital and shall reside at and have charge of said county hospital and shall render or provide all necessary medical aid and attendance for the inmates of said county hospital and for the inmates of said almshouse on said county farm in said county; one shall be the superintendent of the county poor farm, almshouse and water works and shall reside on and have charge of said county farm; and one shall be superintendent of out-door relief and shall be stationed at and have charge of the poor office. They shall also at the same time appoint such district county physicians as they may deem necessary to care for all sick poor and shall prescribe such rules and regulations governing the work done and territory to be covered by such district physicians as may be necessary and practicable, and said board of trustees shall have power to make and shall make all necessary rules and regulations for the government and maintenance of said county hospital, county farm, almshouse and water works and shall prescribe rules for the admission and discharge of patients or inmates, and in the department of out-door relief, for assistance to all the poor of the county; and shall have power to fix and from time to time regulate the salaries of such superintendents of poor and of all the other officers and employees in said county hospital, county farm, almshouse and water works, department of out-door relief and of the district physicians which salaries shall be payable monthly out of the treasury of the county, the same as the salaries of other county officers and employees are paid.

Bond of superintendent of poor; powers and duties. SECTION 3. Each such superintendent of poor shall within ten days after written notice of his appointment and before entering upon the duties of his office take and subscribe the oath of office prescribed by the constitution and execute to the county his bond in a reasonable sum to be fixed by the county board, said bond to be approved by said board of trustees which oath and bond shall be filed in the office of the county clerk. Such bond shall be conditioned in substance that he will faithfully and properly perform all the duties of the office of county superintendent of the poor, as well as all of the duties as head

of the department to which he has been appointed, and will pay over, according to law, all moneys that shall come into his hands as such superintendent, and will render a just and true account thereof whenever required by the board of trustees or by any provisions of law, and will deliver over to his successor or any other person authorized by law to receive the same all moneys, books, papers and other things appertaining or belonging to his said office. Each of said superintendents shall have power to appoint and remove all officers and employees in his respective department, subject to the approval of said board of trustees. The said superintendents shall have the general superintendence of the poor in their county, and they may make such rules and regulations for their support and maintenance, not inconsistent with law, as shall be approved by said board of trustees; but they shall at all times be subject to the direction and control of said board of trustees in all things pertaining to the care and support of the poor.

Annual report of board; annual appropriation by county. SECTION 4. On the first day of October, of each year or within thirty days thereafter, said board of trustees shall file with the county clerk an annual report, together with the reports of the superintendents of said county hospital, county farm, almshouse and water works and department of out-door relief, including an itemized statement of receipts and disbursements for the year ending on the last day of September in each year, and also a classified statement of the same and an estimate of the appropriations needed for the ensuing year, and the county clerk shall at the next meeting of the board lay such reports and statements before said board. The county board of such county shall make sufficient appropriation annually in advance for the support, maintenance, salaries, repairs and improvements of said county hospital, county farm, almshouse and water works and department of out-door relief and district physicians and such appropriation so made shall be used for such purposes and subject to the order of said board of trustees in such manner as their by-laws may provide.

Treasurer. SECTION 5. The treasurer of the county shall be ex-officio the treasurr of said county hospital, county farm, almshouse and water works and department of out-door relief and custodian of the funds, and shall keep separate accounts of all moneys, appropriated or otherwise received for

the aforesaid departments of poor and pay the same only upon warrants signed by the president and secretary of said board of trustees.

Conflicting laws repealed. SECTION 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

No. 229, A.] [Published April 21, 1905.

CHAPTER 95.

AN ACT relating to water power on state lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Forestry commission to make survey. SECTION 1. The state forestry commission shall make a survey and examination of all streams in and upon the forest reserve and other state lands under its jurisdiction, with a view to ascertain the available water powers of such streams, and shall include the result of such examination in its report, or may, in its discretion, issue a separate bulletin in relation thereto.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

No. 18, S.] [Published April 21, 1905.

CHAPTER 96.

AN ACT to amend sections 1 and 4 of chapter 44, of the laws of 1903, entitled: "An act for a tax on gifts, inheritances, bequests, legacies, devices and successions in certain cases."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax imposed on transfer of property of any kind. SECTION 1. The first paragraph of section 1 of chapter 44 of the session laws of 1903, is hereby amended so as to read as follows: Section 1. A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association or corporation, except *county, town or municipal corporations within the state, for strictly county, town or municipal purposes,* and corporations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the state, in the following cases:

Transfers totally exempt. SECTION 2. The first subdivision, section 4, of said chapter, is hereby amended so as to read as follows: (1) All property transferred to *municipal corporations within the state for strictly county, town or municipal purposes, or to* corporations of this state organized under its laws, solely for religious, charitable or educational purposes, which shall use the property so transferred, exclusively for the purposes of their organization, within the state, shall be exempt.

To what transfers act not to apply. SECTION 3. Said chapter 44, shall not be held applicable to any transfer of property heretofore made to any county, town or municipal corporation within the state for strictly municipal purposes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1905.

No. 608, A.] [Published April 22, 1905.

CHAPTER 97.

AN ACT relating to the improvement of inner harbors and in aid of navigation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of common council when harbor situated within city; plat to be prepared. SECTION 1. Whenever the United States government has indicated its intention to aid in the improvement of any inner harbor, situated within the limits of any city in this state; then it shall be the duty of the common council to cause the chief engineer, board of public works, or other official, as the case may be, in charge of public improvements, to prepare without unreasonable delay and submit for the approval of the common council a plat covering a complete system of waterways, canals, slips, revetments, docks and bridges intended to be constructed or improved, showing the exact location of all docks and bridges then built and encroachments upon the harbor lines if any, and plainly indicating the changes and improvements which may be deemed necessary or advantageous in the interest of navigation or the community at large.

Preparation of plat; plan of improvement. SECTION 2. In preparing such plat and adopting such system due regard shall be paid to harbor lines such as may have been established by the government and the location of turning basins when thus recommended; also to present docks when of modern construction and to all valuable improvements bordering on the waterways, as long as not a serious impediment in straightening, regulating and establishing the channel at an approximately uniform width. All of said work is to be done with a view of adapting such inner harbor to modern demands, dredging everywhere to a depth of not less than 21 feet and the eventual substitution of lift bridges in place of the old structures now in use.

Plat to be submitted to U. S. government; filing of plat. SECTION 3. The plat thus prepared when favorably acted

upon by the common council shall be forthwith submitted for approval or correction to the U. S. government and shall be open to changes and modifications as circumstances may require; but, when finally perfected and approved, the common council shall cause such plat to be filed in the office of the board of public works or other appropriate department and a duplicate shall also be recorded with the register of deeds of the county; and thereupon the common council shall promptly and permanently locate by ordinance all dock lines and revettments in conformity thereto.

Duty of city after improvements made. SECTION 4. After the establishment of such a system of improvement and the permanent location of dock lines as aforesaid, it shall be the duty of the city from time to time, and in the manner herein provided, to order the construction of the turning basins and the straigthening, docking and dredging of the waterways, canals and slips as public interests may require.

Work how ordered and done. SECTION 5. All work shall be ordered and done in substantially the same way as is now provided by law in case of streets and public highways, and all charter provisions whether general or special shall be applicable thereto, with the exception that a petition of property owners for doing any of such work is dispensed with, whenever the common council by resolution of two-thirds of its members declare that necessity requires the same to be done.

Lands how acquired. SECTION 6. Any land needed for any of the purposes contemplated by this act may be taken or acquired by gift, grant, purchase or condemnation as in other cases.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 21, 1905.

No. 299, A.] [Published April 22, 1905.

CHAPTER 98.

AN ACT to amend section 936a, chapter 293, laws of 1903, relating to the care of endowments for public libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Disposition of gifts, bequests, etc.; treasurer or financial secretary; bond; annual report. SECTION 1. Section 936a, chapter 293, laws of 1903, is hereby amended by adding to the end thereof the following: "Such treasurer or financial secretary shall make an annual report to the board of directors showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financal secretary shall also send a copy of each annual report to the state commissioner of banking," so that the section, when amended, shall read as follows: In all cases where any gift, bequest, devise or endowment shall have been or shall be made to any public library, organized under section 931 of the statutes of 1898, the library board of such library may pay or transfer such gift, bequest or endowment, or the proceeds thereof, to the treasurer of the city, village or town in which such library is situated, or may in the same manner pay or transfer such gift, bequest or endowment to any member of such board to be elected by them and thereafter to be known as financial secretary. Such financial secretary shall hold his office only during his membership of such library board, and shall be elected annually at the same time and in the same manner as the other officers of the library board. In all cases of any such treasurer or financial secretary holding any moneys or property whatever belonging to such library, such library board shall require a bond from such treasurer or financial secretary to the library board in such sum, not less than double the amount of such money or property so held by him, and with such sureties, as the said library board shall require and approve. Such bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of such city, village or town, with the necessary verbal changes to

make the same applicable to the moneys and property so held by him. *Such treasurer or financial secretary shall make an annual report to the board of directors showing in detail the amount, investment, income and disbursements from the trust funds in his charge. Such report shall also be appended to the annual report which said library board is required to make to the common council and to the free library commission. Such treasurer or financial secretary shall also send a copy of each annual report to the state commissioner of banking.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 21, 1905.

No. 238, A.] [Published April 22, 1905.

CHAPTER 99.

AN ACT to amend sections 3 and 4 of chapter 43 of the laws of 1903, relating to false determination in the use of the Babcock test, and fixing a penalty therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To falsely manipulate or under-read or over-read unlawful. SECTION 1. Section 3 of chapter 43 of the laws of 1903 is hereby amended by inserting the word "falsely" before the word "manipulate"' where said word occurs in the third line of said section, so that said section when so amended shall read as follows: Section 3. It shall be unlawful for the owner, manager, agent or any employee of a cheese factory, creamery, or condensed milk factory to *falsely* manipulate or under-read or over-read the Babcock test or any other contrivance used for determining the quality or value of milk or cream or to make any false determination by said Babcock test or otherwise.

Penalty prescribed. SECTION 2. Section 4 of chapter 43 of the laws of 1903 is hereby amended by striking out the words

"and in default of payment thereof shall" and inserting in place thereof the word "or", so that said section when so amended shall read as follows: Section 4. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred for each and every offense, * * * *or* be imprisoned in the county jail not less than thirty days nor more than sixty days.

SECTION 3. This act shall take effect and be in force from and after its pasage and publication.

Approved April 21, 1905.

No. 435, S.] [Published April 24, 1905.

CHAPTER 100.

AN ACT relating to notice of sale of real estate, and amending section 2993 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Court to designate newspaper. SECTION 1. A new subdivision is hereby added to section 2993 of the statutes of 1898, to be numbered and to read as follows: *4. The court, or a judge thereof, upon application of the party in whose favor a judgment stands, shall direct, by order, the newspaper in which the publication of a notice of sale of real estate thereunder is to be made.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 76, S.] [Published April 24, 1905.

CHAPTER 101.

AN ACT to amend section 1081 of the statutes of 1898, as amended by section 2 of chapter 335 of the laws of 1899, and as further amended by chapter 374, of the laws of 1901, relating to the collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Form of tax warrant; duty of treasurer and clerk. SECTION 1. Section 1081 of the statutes of 1898 as amended by section 2 of chapter 335 of the laws of 1899, and as further amended by chapter 374 of the laws of 1901 is hereby amended by adding thereto the following: *In all counties in this state having two hundred and fifty thousand or more population as ascertained by the last state or United State census, said warrant shall provide instead that said town, city or village treasurers shall pay such moneys to said county treasurer and make return to said treasurer of said warrant on or before the first day of March.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 407, S.] [Published April 24, 1905.

CHAPTER 102.

AN ACT to amend sub-division 1 of section 1941-64 statutes of 1898, providing that individual agents shall countersign fire insurance policies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Form of policy; policy to be countersigned. SECTION 1. Sub-division 1 of section 1941-64, statutes of 1898, is

amended to read as follows: 1. The name of the company, its location or place of business, the date of its incorporation or organization and the state or country under which the same is organized the amount of paid up capital stock, whether it is a stock or mutual company, the names of its officers, the number and date of the policy, and, if it be issued through a manager or agent of the company, the words, "this policy shall not be valid until countersigned by the duly authorized manager or agent of the company at ————," may be printed on policies issued on property in this state. *All policies shall be countersigned by an individual agent*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 364, S.] [Published April 24, 1905.

CHAPTER 103.

AN ACT to prohibit the presence of young girls at dances held in saloons and in connection with them.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Young girls not permitted at dances in or near saloons; penalty. SECTION 1. There is hereby added to the statutes of 1898 a section to be known as 1557a, which shall read as follows: Section 1557a. Any keeper of any saloon, shop or place of any name whatsoever for the sale of any strong spirituous or malt liquors to be drank on the premises in any quantity less than one gallon who shall permit or allow any girl or young woman, under the age of seventeen years, unaccompanied by her father or mother, to be present at or participate in any ball or dance held in such saloon, shop or place, or in the same or an adjoining building, shop or place, or in any place where liquors are sold or dispensed, or any place adjoining the same, under his license, or who shall permit or allow any such girl or young woman to linger in or frequent such saloon, shop or

place, shall be punished by a fine of not less than $50.00 nor more than $100.00, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment. And upon conviction his license shall be revoked as is provided in section 1558 of the said statutes of 1898, and proof of such conviction shall be conclusive proof that such keeper maintains a disorderly and improper house as such terms are used in said section 1558.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 236, S.] [Published April 24, 1905.

CHAPTER 104.

AN ACT to amend section 4601a of the statutes of 1898, relating to the sale of canned goods.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Canned goods, label on. SECTION 1. Section 4601a of the statutes of 1898, is hereby amended so as to read as follows: Section 4601a.* *Any person who shall, himself, or by his servant or agent, or as the servant or agent of any other person, pack, can or preserve within this state, for use or consumption therein, fruits, vegetables, meats, fish or shell-fish, or who shall sell, exchange, deliver or have in his possession with intent to sell, or exchange or expose for sale, or offer for sale or exchange for use or consumption within this state such canned articles containing saccharin, formaldehyde, sulphurous acid or sulphites, salicylic acid, or salicylates or any substance, article or ingredient other than sugar, salt, vinegar or spices, possessing a preservative character or action, or any copper compound or other artificial coloring, or any bleaching compound, or any article injurious to health; or any person who shall, himself, or by his servant or agent, or as the servant or agent of any other person, pack, can or preserve within this state for use or con-*

*The entire section is rewritten.

sumption therein, fruits, vegetables, meats, fish or shell-fish, or who shall sell, exchange, deliver, or have in his possession with intent to sell or exchange, or expose for sale, or offer for sale or exchange for use or consumption within this state such canned articles, unless each can containing such articles shall bear a label on which shall be printed the true name of te contents and the name and address of the producer or packer, canning or preserving the same, or the dealer who sells the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days.

SECTION 2. This act shall take effect and be in force from and after January first, A. D. 1906.

Approved April 22, 1905.

No 458. S.] [Published April 24, 1905.

CHAPTER 105.

AN ACT to add a new paragraph to section 461, statutes of 1898, prescribing the duties of county or district superintendents of schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School board convention. SECTION 1. A paragraph is hereby added to section 461, of the statutes of 1898, to be numbered and to read as follows: *9. The county or district superintendent of schools shall annually call and hold at least one school board convention for his superintendent district, at the county seat or some other convenient place, for the purpose of consultation, advice and instruction upon matters pertaining to the management of the schools. Each district clerk shall and the director and treasurer may attend such convention. Each member present shall be allowed two dollars and mileage at the rate of three cents per mile each way, going and returning to and from said meeting, said sum to be paid from any moneys*

in the school district treasury not otherwise appropriated. The *county superintendent shall issue to each member in attendance a certificate which shall be filed with the school district clerk and serve as a basis or evidence for drawing the necessary warrant upon the district treasury.*

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 424, S.] [Published April 24, 1905.

CHAPTER 106.

AN ACT to amend section 1966—1, statutes of 1898, regulating the transaction of business by foreign hail insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conditions of doing business; service of process; fees. SECTION 1. Section 1966—1, statutes of 1898 is amended to read as follows: Section 1966—1, statutes of 1898. It shall be lawful for hail insurance companies organized under the laws of any other state to insure crops in this state against loss or damage by hail upon complying with the following conditions: Such company shall *within the month of January* in each year, file with the commissioner of insurance a statement showing its financial condition and, if a stock company, the amount of capital stock, the amount of said stock paid in in cash and the amount in notes of the stockholders, the names and residences of the stockholders on the *thirty-first day of December* of each year; and such company shall thereupon obtain from said commissioner a certificate, under his hand and seal of office, authorizing it to do business in this state for the next ensuing year, and certifying that he has examined into the affairs

thereof; that the stockholders, in case of a stock company, are solvent and responsible, able to pay at once their stock notes and any liability that attaches to them as stockholders; that the whole amount of stock subscribed is not less than twenty-five thousand dollars, and that said company is solvent, as he verily believes; provided, that the stockholders on the *thirty-first day of December* in each year, as shown to the commissioner and as they appear in his said certificate, shall remain liable as such stockholders for one year from that date whether said stock is disposed of or not; and provided further, that such company receiving such certificate, shall, at or prior to receiving the same, file with said commissioner a stipulation to the effect that in all suits brought against it in this state service of summons shall be made upon said company by leaving a copy of the summons with said commissioner; and service so made shall have the same effect as if made upon a corporation of this state; and provided, further, that such company shall pay the same fees and taxes as are provided by law in case of foreign fire insurance companies.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 425, S.] [Published April 24, 1905.

CHAPTER 107.

AN ACT amending chapter 229, laws of 1903, to provide for distribution of assets where mutual fire insurance companies re-incorporate into stock corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus assets; consent of members. SECTION 1. Chapter 229, laws of 1903, shall be amended to read as follows: Any mutual fire insurance corporation, organized under any law of this state, having surplus assets, aside from premium and stock notes, sufficient for re-insurance of its outstanding risks, after

having given notice once in each week for four weeks, of its intention and of the meeting, herein provided for, in three newspapers published in the county where such corporation is located, may, with the consent in writing of two-thirds (2-3) of the members of such corporation, representing not less than one-half of its outstanding insurance, become a stock corporation, by proceeding in accordance with the provisions of the statutes of this state regulating the organization of stock fire insurance corporations.

Priority to members, return of share of surplus. SECTION 2. Every member of such corporation on the date of said annual or special meeting shall be entitled to priority in subscribing to the capital stock of such corporation, for one month after the opening of the books of subscription, and in the proportion that the amount of cash premium paid in by such member, bears to the total amount of risks in force on the date of said annual or special meeting: provided, that if any one of the past or present members shall not subscribe for stock, then the said corporation shall upon application within ninety (90) days return to him his equitable proportion of the surplus of the company, to be computed by an actuary to be employed by the corporation for that purpose.

Assets, how disposed of. SECTION 3. *The assets of such mutual fire insurance corporation which shall not be called for by or divided among the members thereof, as provided in section 2, shall be divided six months after date of re-incorporation among the members who either took stock or cash.*

Laws governing. SECTION 4. Every corporation so extended or changed shall be governed by the provisions of the law of this state relating to the organization of stock fire insurance corporations, in the same manner as if it had been originally incorporated as such stock corporation, provided that no such corporation shall be entitled to re-organization under this law, or to have its organization renewed or extended, unless it shall actually be doing business in conformity with the laws of this state.

Conflicting laws repealed. SECTION 5. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 455, S.] [Published Aprl 24, 1905.

CHAPTER 108.

AN ACT to amend section 2 of chapter 34 of the laws of 1899, and section 6, of chapter 34 of the laws of 1899, as enacted by chapter 106, of the laws of 1901, relating to homes for dependent children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers and duties of trustess. SECTION 1. Section 2, of chapter 34 of the laws of 1899, is hereby amended to read as follows: Section 2. *Such trustees when appointed and qualified shall organize by electing from their number, a president, vice-president, and a secretary, which president and secretary, when elected, shall have authority to sign all documents for said trustees.* Such trustees shall have entire charge of the management of said home and shall make rules and regulations for its government. They shall report their doings to the county board quarterly and at such other times as the board may direct. They may be removed from office for misconduct or neglect of duty by an affirmative vote of a majority of the members of the county board, but only after hearing and an opportunity to be heard, according to the usual mode of procedure.

Board of trustees to act as guardian. SECTION 2. Section 6 of chapter 34 of the laws of 1899, as enacted by section 1, of chapter 106, of the laws of 1901, is hereby amended to read as follows: Section 6. *The said board of trustees is hereby made the legal guardian of all children who are inmates of said home under court commitment for indenture or adoption and are hereby authorized to consent to the indenture or adoption of such children* by any person or persons in the manner provided by law, and such consent given in writing shall have the same force and effect as if given by the parent or parents of such child. Such written consent shall be given in duplicate and one copy shall be filed with the secretary of said trustees, and the other delivered to the county court in which the proceedings for adoption are taken to be there filed. On the consummation of such proceedings, the custody of said trustees over the child

adopted shall cease, except as hereinafter provided. *It shall be the duty of the court making the order of adoption to transmit a certified copy of such order to the trustees of the institution from which such child was received.*

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 317, S.] [Published April 24, 1905.

CHAPTER 109.

AN ACT to amend sections 1, 3, 27, and 45 of chapter 2 of chapter 234 of the laws of 1903, relating to regulation of banks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock. SECTION 1. Section 1 of chapter 2 of chapter 234, laws of 1903, is hereby amended by striking out the word "five" where it appears in line six in said section and inserting in lieu thereof, the word "ten" and by striking out the word "ten" where it appears in line seven of said section and inserting in lieu thereof the word "twenty" and by striking out the word "twenty" where it appears in line ten of said section and inserting in lieu thereof the words "twenty-five," so that said section when so amended shall read as follows: Section 1. Any number of adult residents of Wisconsin, not less than three, may associate to establish a bank under this chapter upon the terms and conditions and subject to the liabilities prescribed in this act. The aggregate amount of the capital stock of any bank shall not be less than *ten* thousand dollars in towns, villages or cities having less than fifteen hundred inhabitants; and shall not be less than *twenty* thousand dollars in towns, villages or cities having more than fifteen hundred and less than thirty-five hundred inhabitants, and shall not be less than *twenty-five* thousand dollars in any village or city having more than thirty-five hundred and less than five thousand inhabitants, and shall not be less than thirty thousand dollars in any city having more

than five thousand and less than ten thousand inhabitants, and shall not be less than fifty thousand dollars in any city having more than ten thousand inhabitants according to the last official census. Provided, that this section shall not apply to any incorporated state banks now in existence. Provided, that in any city, having a population of twenty thousand or more in which there may hereafter be one or more suburbs, each such suburb comprising one or more wards of said city, and in which suburb or suburbs there may hereafter be located any bank or banks, the aggregate amount of the capital stock of any such bank shall be based upon the population of the ward in which said bank is located. Every bank incorporated under this chapter shall be known as a state bank.

Articles of incorporation, where filed; fee. SECTION 2. Section 3 of chapter 2 of said chapter is hereby amended by adding to said section the following: "The fee for filing such articles of incorporation shall be twenty-five dollars and for filing amendments to the articles of incorporation, ten dollars, all such fees shall be collected by the commissioner of banking and paid into the state treasury to the credit of the general fund." So that said section when so amended shall read as follows: Section 3. Such original articles of incorporation, or a true copy thereof, verified as such by the affidavit of two of the signers thereof shall be filed with the commissioner of banking. A like verified copy and certificate of the commissioner of banking, showing the date when such articles were filed and approved by the commissioner of banking, within thirty days of such filing and approval, shall be recorded in the office of the register of deeds of the county in which such banking corporation is located, and no bank shall, until such articles be left for record, have legal existence. *The fee for filing such articles of incorporation shall be twenty-five dollars and for filing amendments to the articles of incorporation, ten dollars, all such fees shall be collected by the commissioner of banking and paid into the state treasury to the credit of the general fund.*

Limit of loans. SECTION 3. Section 27, chapter 2 of said chapter is hereby amended by striking out the words "the amount" where they appear in the thirteenth line of said section and inserting in lieu thereof the words "fifty per cent." So that said section when so amended shall read as follows: Section 27. The total liabilities of any person, co-partnership or corporation, to any bank, for money borrowed, including

liabilties of the co-partnership, the liabilities of the several members thereof, except special partners, shall at no time exceed thirty per cent, of the amount of capital and surplus of such bank; but the discounting of bills of exchange drawn in good faith against actually existing values, and the discounting of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed; provided, that by a two-thirds vote of the directors, the liabilities of any person, co-partnership or corporation may be increased to a total sum not exceeding *fifty per cent* of the capital and surplus of such bank upon the approved security.

Bank, unlawful use of term. SECTION 4. Section 45 of chapter 2 of said chapter is hereby amended by adding at the beginning of line twenty of said section the words "any of." So that said section when so amended shall read as follows: Section 45. No person, co-partnership or corporation engaged in the banking business in this state, not subject to supervision and examination by the commissioner of banking, and not required to make reports to him by the provisions of this act, shall make use of any office sign at the place where such business is transacted, having thereon any artificial or corporate name or other words indicating that such place or office is the place or office of a bank, nor shall such person or persons make use of or circulate any letter-heads, bill-heads, blank notes, blank receipts, certificates, circulars, or any written or printed or partly written and partly printed paper whatever having theron any artificial or corporate name, or other word or words, indicating that such business is the business of a bank. It shall be unlawful for any person, co-partnership or corporation to use the word "bank," "savings bank," "banking" or "banker" or the plural of any such words, in any other business or in connection with any other business than that of the business of banking as defined and authorized under the provisions of this act. Any person or persons violating *any of* the provisions of this section, either individually or as an interested party in any co-partnership or corporation shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than sixty days nor more than one year, or by both such fine and imprisonment.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 439, S.] [Published April 24, 1905.

CHAPTER 110.

AN ACT to amend section 1536 of the statutes of 1898, relating to bastardy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bond or commitment. SECTION 1. Section 1536 of the statutes of 1898 is hereby amended to read as follows: Section 1536. If the person so adjudged to be the father of such child shall give a bond to the proper town or county in such sum and with such sureties as shall be approved by the court, conditioned for the performance of such judgment and the payment of all sums ordered thereby to be paid as therein directed, and shall pay the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law. *In counties having and maintaining a house of correction, or workhouse the commitment may be to the house of correction or workhouse of said county instead of to the county jail.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 149, S.] [Published April 24, 1905.

CHAPTER 111.

AN ACT amendatory of chapter 99 of the laws of 1891, entitled, "An act conferring civil, criminal and appellate jurisdiction upon the county court of Waukesha county, Wisconsin," and relating to fees of phonographic reporter in said court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Per diem of reporter. SECTION 1. Chapter 99 of the laws of 1891, is hereby amended by inserting between sections 21 and 22 of said chapter a new section which shall be designated as 21a, and which said section shall read as follows: Section 21a. The county board of said county of Waukesha may in its discretion increase the per diem compensation of such phonographic reporter, provided however it shall in no instance allow as such compensation more than ten dollars per day.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 57, S.] [Published April 24, 1905.

CHAPTER 112.

AN ACT to confer upon county boards in all counties of a population of two hundred and fifty thousand or more the power to alter and regulate the salaries of clerks appointed by the district attorneys in all such counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board to fix salaries of clerks, when. SECTION 1. The board of supervisors of every county in this state now hav-

ing, or which may hereafter have according to any census theretofore taken, a population of two hundred and fifty thousand or more inhabitants, may, by resolution, at any meeting of the said board of supervisors alter and regulate the compensation of the clerk appointed by the district attorney of such county.

Conflicting laws repealed. SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 20, S.] [Published April 24, 1905.

CHAPTER 113.

AN ACT providing for a closed season for hunting aquatic fowl and amendatory of section 4563 of the statutes of 1898, as amended by section 1 of chapter 267 of the laws of 1899, and by chapter 449 of the laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Spring shooting. SECTION 1. Section 4563 of the statutes of 1898 as amended by section 1 of chapter 267 of the laws of 1899, and by section 2 of chapter 449 of the laws of 1903, is hereby amended so as to read as follows:

Section 4563.* *It shall be unlawful to take, catch, kill, hunt or pursue any wild duck or other aquatic fowl between the first day of January and the succeeding first day of September, or any wild goose or brant between the first day of April and the succeeding first day of September, in any year, or any swan at any time. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the*

*The entire section is rewritten.

county jail not less than twenty days nor more than sixty days or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after May 1st, A. D. 1905.

Approved April 22, 1905.

No. 330, S.] [Published April 24, 1905.

CHAPTER 114.

AN ACT to amend section 3774 of the statutes of 1898, relating to fees of justices.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees of justices. SECTION 1. Section 3774 of the statutes of 1898, is hereby amended by inserting after the word "cents" where such word appears in the forty-ninth line of said section, the following: *Provided, however, that no compensation shall be allowed for travel to file a certificate of conviction, but such certificate may be mailed to the clerk of the circuit court by registered letter, in which case the actual registry fee and postage shall be recoverable.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 97, S.] [Published April 24, 1905.

CHAPTER 115.

AN ACT relating to the repair, rebuilding and constructing of sidewalks in incorporated villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Village board may compel construction or repair of sidewalk. SECTION 1. The village board of any incorporated village, incorporated under the general laws or special acts of the state, are hereby authorized, when in its opinion that any sidewalk in said village requires repairing, rebuilding or that a new sidewalk should be constructed, may without a petition or request direct the Street Commissioner or Committee on Streets to notify the owner of the lot or tract of land abutting on said sidewalk, required to be repaired, rebuilt or a new sidewalk to be constructed, to repair the same within twenty-four hours from the date of the service of the notice, or build a new sidewalk or rebuild the sidewalk within twenty days from the date of the service of the notice. The notice shall specify the materials to be used, how it should be constructed and the width. In case however the board has adopted an ordinance describing the materials used in the building and construction and width of sidewalks in such village, it shall be sufficient to mention the ordinance in such notice, and the said sidewalk shall be repaired, rebuilt or a new sidewalk built as provided in said ordinance. Said notice may be served on the owner of the lot or parcel of land abutting on the line of said sidewalk and bounded thereby, by delivering to or leaving at his residence, if residing within the village, a printed or written notice requiring such person therein named to build such new sidewalk, or rebuild or repair the same as the case may be, to the approval of the Street Commissioner, or Committee on Streets, and in the manner directed by said village board along the line of the lot or land so bounded. In case the owner is not a resident of the village or is a corporation, company or society of persons, the notice may be served on any agent or officer of such persons, corporation, company or society of persons, or the person having charge of such property within the village, in case there is

no such person, agent or officer residing within the village, such notice may be posted in three public places in said village, or published once in the official paper of said village, if any be published therein.

Street commissioner may build or repair sidewalks, when. SECTION 2. In case any person, corporation, company or society of persons shall fail to build, rebuild or repair such sidewalk within the time required by said notice, the Street Commissioner or Committee on Streets shall have authority to repair, rebuild or build the said sidewalk and certify and return the expense and cost thereof to the village clerk and all such cost and expense shall be and they are hereby delared a special tax against the owner and a lien on the lot or land bounded or abutting on said sidewalk so repaired, rebuilt or built anew.

Expense to be collected as tax on abutting property. SECTION 3. On the return of the Street Commissioner or Committee on Streets showing that he has repaired, rebuilt or built anew any sidewalk, and the persons liable therefor have not paid the cost or expense thereof, the same shall be paid out of the general fund of the village, and the village clerk in making out the general tax roll of the village next thereafter shall enter therein all such unpaid cost or expense for the repairing, rebuilding or building anew of sidewalks in a separate column opposite the names and descriptions of the property against which such tax remains unpaid together with the interest thereon at the rate of ten per cent per annum from the date such sidewalk was completed. If from any cause whatever such tax should not be entered on such tax roll the same may be placed on any tax roll thereafter. All such taxes shall be collected by the village treasurer in the same manner as the general taxes are collected and when collected shall be returned to the general fund. In case the treasurer is unable to find the personal property of which to make the collection of such tax he shall return the same to the county as other unpaid taxes are returned and credited to said village.

Conflicting laws repealed. SECTION 4. All acts or parts of acts conflicting with the above and foregoing provisions are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1905.

No. 216, S.] [Published April 24, 1905.

CHAPTER 116.

AN ACT to regulate the public service of stallions in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Enrollment of stallion; certificate of enrollment. SECTION 1. Every person, firm or company standing or traveling any stallion for profit or gain in this state shall cause the name, description and pedigree of such stallion to be enrolled by the Department of Horse Breeding of the College of Agriculture, University of Wisconsin, and procure a certificate of such enrollment, from said department, which shall thereupon be presented to and recorded by the register of deeds of the county in which said stallion is used for public service.

Oath of owner or certificate of veterinarian and pedigree to be filed. SECTION 2. In order to obtain the license certificate herein provided for, the owner of each stallion shall make oath before a notary public that such stallion is, to the best of his knowledge, free from hereditary, contagious or transmissible unsoundness or disease, or, in lieu thereof, may file a certificate of soundness, signed by a duly qualified veterinarian, who shall be a regular graduate of a recognized veterinary college, and shall forward this affidavit or veterinarian's certificate, together with the stud book certificate of registry of the pedigree of the said stallion and other necessary papers relating to his breeding and ownership to the Department of Horse Breeding of the College of Agriculture.

Standard of merit. SECTION 3. The officers of the Department of Horse Breeding of the said College of Agriculture, whose duty it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard for action the stud books and signatures of the duly authorized presidents and secretaries respectively of the various horse pedigree registry associations, societies or companies recognized by the Department of Agriculture, Washington, D. C., and shall accept as pure-bred, and entitled to a license cer-

tificate as such, each stallion for which a pedigree registry certificate is furnished bearing the signature of the president and secretary of a government recognized and approved stud book.

Owner to post copies of license certificate. SECTION 4. The owner of any stallion standing for public service in this state, shall post and keep affixed during the entire breeding season, copies of the license certificate of such stallion, issued under the provisions of the next succeeding section, in a conspicuous place both within and upon the outside of the main door leading into every stable or building where the said stallion stands for public service.

Forms of license certificate. SECTION 5. The license certificate issued for a stallion whose sire and dam are of pure breeding and the pedigree of which is registered in a stud book recognized by the Government Department of Agriculture, shall be in the following form:

University of Wisconsin.

College of Agriculture.

Department of Horse Breeding.

CERTIFICATE OF PURE-BRED STALLION NO. .....

The pedigree of the stallion (Name) .....
Owned by .....
Described as follows:
(Color) ....., (Breed) .....
Foaled in the year ....., has been examined at the College of Agriculture, and it is hereby certified that the said stallion is of PURE-BREEDING and is registered in a stud book recognized by the Department of Agriculture, Washington, D. C.

(Signature) ....,
Dean of the College of Agriculture.

The license certificate issued for a stallion whose sire or dam is not of pure breeding shall be in the following form:

University of Wisconsin.

College of Agriculture.

Department of Horse Breeding.

CERTIFICATE OF GRADE STALLION NO. .....

The pedigree of the stallion (Name) .....
Owned by .....
Described as follows:
(Color) .....
Foaled in the year ....., has been examined at the College of Agriculture and it is found that the said stallion is NOT OF PURE BREEDING and is, therefore, not eligible for registration in any stud book recognized by the Department of Agriculture, Washington, D. C.

(Signature,) .....,
Dean of the College of Agriculture.

The license certificate issued for a stallion whose sire and dam are pure bred, but not of the same breed, shall be in the following form:

University of Wisconsin.

College of Agriculture.

Department of Horse Breeding.

CERTIFICATE OF CROSS-BRED STALLION NO. .....

The pedigree of the stallion (Name) .....
Owned by .....
Described as follows:
(Color) .....
Foaled in the year ....., has been examined at the College of Agriculture and it is found that his sire is registered in the ..... and his dam in the .....

Such being the case, the said stallion is not eligible for registration in any stud book recognized by the Department of Agriculture, Washington, D. C.

(Signature) ....,
Dean of the College of Agriculture.

Advertisements. SECTION 6. Every bill, poster, or advertisement issued by the owner of any stallion enrolled under this act, or used by him for advertising such stallion, shall contain a copy of its certificate of enrollment.

Fee for license certificate. SECTION 7. A fee of $2.00 shall be paid to the horse breeding department of the college of agriculture, university of Wisconsin, for the examination and enrollment of each pedigree and for the issuance of a license certificate, in accordance with the breeding of the stallion as above provided.

Transfer of certificate. SECTION 8. Upon a transfer of the ownership of any stallion enrolled under the provisions of this act, the certificate of enrollment may be transferred to the transferee by the department of horse breeding of the college of agriculture upon submittal of satisfactory proof of such transfer and upon payment of the fee of 50 cents.

Penalty prescribed. SECTION 9. Violation of any of the provisions of this act shall be punished by a fine of not exceeding fifty dollars.

SECTION 10. This act shall take effect and be in force from and after January 1st, 1906.

Approved April 22, 1905.

No. 218, A.] [Published April 26, 1905.

CHAPTER 117.

AN ACT to appropriate to the estate of Jerome D. Clark a certain sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, to the estate of Jerome D. Clark, late of the city of Madison, the sum of fifty-three dollars and fifty cents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 25, 1905.

No. 631, A.] [Published April 26, 1905.

CHAPTER 118.

AN ACT to appropriate to Peter L. Pierron a sum of money therein named for expenses of election contest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to Peter L. Pierron, member of the assembly for Ozaukee county, out of any money in the treasury not otherwise appropriated, the sum of three hundred dollars in full for expenses incurred by him in defending the contest for his seat instituted by Michael G. Bohan.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 25, 1905.

No. 693, A.] [Published April 26, 1905.

CHAPTER 119.

AN ACT to appropriate to Michael G. Bohan, a sum of money therein named, for expenses of election contest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to Michael G. Bohan of Ozaukee county, in the state of Wisconsin, out of any moneys in the state treasury, not otherwise appropriated, the sum of three hundred dollars, in full for expenses incurred by him in the contest for a seat in the assembly of the state of Wisconsin, awarded to and now held by Peter L. Pierron.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 25, 1905.

No. 50, A.] [Published April 28, 1905.

CHAPTER 120.

AN ACT to refund to the Manhattan Life Insurance Company of New York City, New York, an excess of a license fee paid into the treasury of this state in or about the month of April, 1902, in addition to a payment of a one per cent tax on premiums received in the state of Wisconsin, during the year 1901, and making an appropriation therefore.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Refund authorized. SECTION 1. The secretary of state is hereby authorized to draw a warrant and the state treasurer is hereby authorized to pay from the general fund said warrant, to refund to the Manhattan Life Insurance Company of New York City, New York, the sum of $300 which was paid into the state treasury of this state in or about the month of April, 1902. Said sum was improperly exacted from said company by this state by reason of mistake.

Appropriation for refund. SECTION 2. There is hereby appropriated out of the general fund $300 for the purpose of making said payment as above provided.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1905.

No. 252, S.] [Published April 28, 1905.

CHAPTER 121.

AN ACT providing for the location of a state normal school at the city of La Crosse, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location, purchase and improvement of site. Plans and estimates for building. SECTION 1. It is hereby made the duty of the board of regents of normal schools to locate a state normal school in the city of La Crosse upon a site to be chosen by said board as soon as may be after the sum of money hereinafter appropriated becomes available. Said board shall purchase such site, and improve the same by grading and planting trees, if necessary, and shall cause to be prepared full plans and specifications and estimates for the building and equipment necessary to properly establish and organize such school, and submit the same to the legislature at the beginning of the session of 1907.

Appropriation, how expended. SECTION 2. For the purpose of carrying out the provisions of the foregoing section there is hereby appropriated out of any money in the general fund not otherwise appropriated to the normal school fund income, the sum of ten thousand dollars. Said sum or such portion thereof as may be necessary for such purpose shall be expended by said board as soon as may be after said sum becomes available in the purchase and improvement of the site for said school and the preparation of the plans, specifications and estimates herein provided for; the remainder, if any, shall be held by said board as a separate fund and used in the erection of such school building when ordered by the legislature. The sum hereby appropriated shall become available on March 1st, 1906.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1905.

No. 104, S.] [Published May 1, 1905.

CHAPTER 122.

AN ACT to amend section 1440 of the statutes of 1898, relating to the raising of money for the improvement of town cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Special tax for town cemetery. SECTION 1. Section 1440 of the statutes of 1898, is hereby amended by adding thereto the following: *Provided, further, that any such town may, at any annual town meeting, after giving public notice in the manner provided by section 789 of the statutes of 1898, as amended by chapter 309 of the laws of 1903, of the particular question to be then and there determined, provide for the raising by special tax of not to exceed the sum of five hundred dollars in any one year for the improvement and embellishment of such town cemetery, the same to be expended for such purpose under the direction and supervision of the town board.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 294, S.] [Published May 1, 1905.

CHAPTER 123.

AN ACT to amend section 925—14 of the statutes of 1898, as amended by chapter 36 of the laws of 1901, in relation to the change of ward lines in cities of the second, third and fourth classes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ward boundaries, how changed. SECTION 1. Section 925—14 of the statutes of 1898, as amended by chapter 36 of the laws of 1901, is hereby amended as to cities of the second, third and fourth classes so that the same shall read as follows: Section 925—14.* *An ordinance fixing the number and boundaries of the wards of any city of the second, third or fourth class organized under the provisions of chapter 40a of the statutes of 1898 as amended, may be introduced at any regular meeting of the common council. The question of the adoption of such ordinance shall by a majority vote of the members of the common council elect, be submitted to the electors of such city at the next regular municipal election. The city clerk shall publish a notice that said ordinance shall be so submitted at the same time and in the same manner that notice of said municipal election shall be published, and such notice shall set forth the proposed ordinance at length. He shall also prepare ballots to be used by the electors in voting on said proposed ordinance, which shall intelligently express the voter's intention and which shall be substantially in the following forms:*

For adoption of ward ordinance.

Against aloption of ward ordinance.

If a majority of the votes cast are in favor of the adoption of such proposed ordinance the common council shall forthwith thereafter at a regular meeting take action on such proposed ordinance and may by at least a majority vote of those present adopt the same; and when the boundaries of any wards are fixed by any ordinance the number of wards and boundaries thereof, or of any of said wards shall not be again changed for

*The part of the section printed in italics is rewritten.

a period of two years except by adding thereto such territory as may at any time be added to the city limits; provided further, that the territory of the wards shall be contiguous and compact and that no ward have a population of less than fifteen hundred in cities of the second class, or less than one thousand in cities of the third class, or less than five hundred in cities of the fourth class. In redistricting such cities the original numbers of the wards and their geographical outlines shall as far as practicable be retained and the wards so created and those the boundaries of which are changed shall be in as compact form as practicable. Whenever the number of wards in any such city shall be changed in the manner aforesaid, and a new ward or wards created, such ward or wards shall have the same number of aldermen, supervisors and ward officers as other wards in such city, and shall be in all respects subject to the provisions of the charter of such city. Any alderman or ward officer holding office and who shall reside in any such territory at the time it shall be declared a ward, shall continue in such office for the term for which he was elected and until his successor is elected and qualified, and shall be an officer of the ward so created. The inspectors of election and ballot clerks appointed for any such district shall continue to act in their several capacities when such district is constituted a ward, until removed or their successors are appointed. In all other cases where a new ward is so created or old wards consolidated, and the creation or consolidation shall cause vacancies in the offices to which any ward, by reason of the formation, is entitled, the common council shall forthwith order in the manner provided by the charter of such city, a special election to fill all such vacancies as are by the charter of such city elective. * * * All other vacancies shall be filled in the manner provided by the charter of such city. The common council shall in ordering such election fix the term for which the officer shall be elected.

To what cities to apply. SECTION 2. Said section 925—14, as amended by said chapter 36 shall continue in full force in its present form as to cities of the first class, but as to cities of the second, third and fourth class is hereby repealed so far as it conflicts herewith.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 227, S.] [Published May 1, 1905.

CHAPTER 124.

AN ACT relating to commercial schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Course of study; certificate of graduation. SECTION 1. The state superintendent of public instruction is authorized to fix and prescribe a course of study for commercial schools or colleges. To all schools accepting and adopting such standard and requirement for admission and graduation therefrom, he shall grant a certificate of such fact and shall include in his biennial report a list of the schools so complying.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 228, S.] [Published May 1, 1905.

CHAPTER 125.

AN ACT to amend chapter 336, laws of 1901, authorizing free public lectures on educationed subjects.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of education empowered to secure evening lectures. SECTION 1. Section 1 of chapter 336, of the laws of 1901, is hereby amended so as to read as follows: "*The board of school directors or* the board of education of any city is hereby authorized and empowered to provide for the employment of competent persons to deliver evening lectures on the natural sciences, *on historical, literary, or other educational subjects,* in the public school buildings, *in public library buildings,* or in other suitable places of said city.

Purchase of books, etc. SECTION 2. The said board of education shall have power to purchase the books, stationery, charts and other things necessary and expedient to successfully conduct said lectures which it shall have power to direct.

No admission fee to be charged; lectures, when to be given. SECTION 3. No admission fee shall be charged and at least one school building * * * *or public library building* shall be designated by said board of education for the purpose of carrying out the provisions of this act; and said lectures shall be delivered in such school *or library* building between the first day of October and the 31st day of March in each year, * * * which lectures shall be advertised in a newspaper published in said city at least one week in advance of the delivery thereof.

Appropriation authorized. SECTION 4. The board of education is hereby authorized, previous to the first day of September in each year, to meet and provide the necessary appropriation for the purpose of carrying out the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 242, S.] [Published May 1, 1905.

CHAPTER 126.

AN ACT to provide for the appointment of a stenographer for the office of coroner in counties having a population of over two hundred and fifty thousand.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of stenographer for coroner; salary. SECTION 1. The county board of any county having a population, as shown by the last census, of two hundred and fifty thousand or more, may authorize the coroner to appoint, in addition to the

officers already provided for by law, a stenographer. It shall be the duty of said stenographer to take and transcribe the testimony of all witnesses examined at any inquests held, and perform such other duties as the coroner may require, also to assist in the work of the district attorney's office when not necessarily engaged in the performance of duties for the office of county coroner. The salary for said stenographer shall be fixed by the county board of supervisors of said county and shall be paid from the treasury of such county at the same time the salaries of other county officers are paid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 48, S.] [Published May, 1, 1905.

CHAPTER 127.

AN ACT concerning cemetery associations heretofore organized under chapter 48 of the statutes of 1849, or chapter 67 of the statutes of 1858, and to cure certain omissions in the organization thereof and adding section 1443a to the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bona fide attempt at organization. SECTION 1. A new section is hereby created and added to the statutes of 1898, to be known and designated as section 1443a, and which shall read as follows: Section 1443a. Whenever there shall have been a bona fide attempt to organize a cemetery association under chapter 48 of the revised statutes of 1849, or chapter 67 of the revised statutes of 1858, and there may have been a failure to make, acknowledge and sign the certificate of organization, or to legally execute transfers of cemetery property, or if such certificate shall have been lost and there shall have been a failure to record the same in the office of the register of deeds of the proper county, and such association has in good faith car-

ried on business for over twenty-five years, bought and platted grounds and conveyed lots therein during said period and exercised the power of such an association for twenty-five years or more such failure to make, acknowledge or sign the certificate of organization or to record the same in the office of the register of deeds of the proper county shall not affect the validity of the association, nor of its transfers of cemetery property, but the same shall be a body corporate from and after the date of the conveyance to it of any real estate, the same as though a proper certificate had been made, signed, acknowledged and recorded in the office of the register of deeds.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 151, S.] [Published May 1, 1905.

CHAPTER 128.

AN ACT amending sections 2284 and 2285 of the statutes of 1898 and making valid wills containing beneficial provisions in favor of husband or wife of a subscribing witness by making such provisions void.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Witness to will, or wife or husband of, not to take under it. SECTION 1. Section 2284 of the statutes of 1898 is hereby amended to read as follows: Section 2284. All beneficial devises, legacies and gifts whatsoever, made or given in any will to a subscribing witness thereto, *or to the husband or wife of a subscribing witness thereto,* shall be wholly void unless there be two other competent witnesses to the same; but a mere charge on the lands of the devisor for the payment of debts shall not prevent his creditors from being competent witnesses to his will.

When devise to witness or husband or wife of saved. SECTION 2. Section 2285 of the statutes of 1898 is hereby amended

to read as follows: Section 2285. But if such witness *or the husband or wife of such witness,* to whom any beneficial devise may have been made or given, would have been entitled to any share of the estate of the testator in case the will was not established, then so much of the share that would have descended or been distributed to such witness *or to the husband or wife of such witness* as will not exceed the devise or bequest made to him in the will shall be saved to him, and he may recover the same of the devisees or legatees named in the will, in proportion to and out of the parts devised or bequeathed to them.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 250, S.] [Published May 1, 1905.

CHAPTER 129.

AN ACT to prohibit influencing of agents, employees or servants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Influencing of agents, employees or servants prohibited; penalty. SECTION 1. Whoever corruptly gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who

makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Witness not excused from testifying because testimony may incriminate. SECTION 2. No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpoena of any court having jurisdiction of the misdemeanor on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or to subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpoena or in any such case or proceeding, provided, that no person so testifying or producing any such books, papers, contracts, agreements or documents shall be exempted from prosecution and punishment for perjury committed in so testifying.

SECTION 3. This act shall take effect and be in force from and after its pasasge and publication.

Approved April 29, 1905.

No. 327, S.] [Published May 1, 1905.

CHAPTER 130.

AN ACT to amend section 4495 of the statutes of 1898, providing a penalty for breaking jail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Breaking jail or workhouse. SECTION 1. Section 4495 of the statutes of 1898, is hereby amended so that said section,

when amended, shall read as follows: Section 4495. Any person who may be imprisoned, pursuant to a sentence, in the county jail *or county workhouse,* or who shall have been committed for the purpose of detaining him for trial for any offense not punishable by imprisonment for life, and who shall break prison and escape shall be punished by imprisonment in the county jail *not more than six months; provided, that in counties having workhouses the commitment may be made to the workhouse instead of to the county jail.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 438, S.] [Published May 1, 1905.

CHAPTER 131.

AN ACT to amend section 4587c of the statutes of 1898, providing punishment for abandoning wife or child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Abandonment of wife or child. SECTION 1. Section 4587c of the statutes of 1898 is hereby amended to read as follows: Section 4587c. Any parent who shall wilfully abandon his or her minor child or children, leaving such child or children in a destitute condition, or being of sufficient ability to maintain or to earn the means with which to support him or them, or who shall unreasonably refuse or neglect to provide for such child or children; *and any person after having been determined by the judgment of any court of record having jurisdiction thereof, to be the father of any bastard child, who shall unreasonably refuse or neglect to provide for said child,* and any husband who shall wilfully abandon his wife, leaving her in a destitute condition, or being of sufficient ability to furnish her means of support or to earn such means, shall unreasonably refuse or neglect to do so, shall be punished by imprisonment in the state prison not exceeding one year or in the county jail not more than six months nor less than fifteen days, ten days of which time of

imprisonment in the county jail may, in the discretion of the court, be upon a diet of bread and water only; provided, that in counties having workhouses the commitment may be made to the workhouse instead of to the county jail, in which case the provision as to diet may be applied to imprisonment in the workhouse. In all cases arising under the provisions of this section the wife of the defendant shall be competent to testify for or against him.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 46, S.] [Published May 1, 1905.

CHAPTER 132.

AN ACT relating to restitution on reversal or setting aside a judgment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Restitution on reversal of judgment; undertaking pending new trial. SECTION 1. There is hereby constituted a new section of the statutes of 1898 to be numbered 2894b, and to read as follows: Section 2894b. If any judgment or part of a judgment rendered by any circuit court or any county court having civil jurisdiction be collected and such judgment be afterwards set aside or reversed the court in which such judgment was rendered shall order the same to be restored with interest from the time of the collection, but in case a new trial is ordered the party who has collected such judgment may retain the same pending such new trial, upon giving an undertaking in such sum and with such sureties as the court shall order, conditioned for the restoration of the amount collected with interest from the time of collection. The order of restitution may be obtained upon proof of the facts upon notice and motion and may be enforced as a judgment. Nothing

herein shall affect or impair the right or title of a purchaser for value in good faith without notice.

Deposit of judgment collected pending appeal. SECTION 2. There is hereby constituted a new section of the statutes of 1898 to be numbered 2894c and to read as follows: Section 2894c. Whenever in a civil action on appeal to the supreme court the appellant shall have omitted to stay execution and pending such appeal the sheriff or other officer shall collect all or any part of the judgment appealed from the officer collecting the same shall deposit the amount so collected, less his fees, with the clerk of the court out of which execution issued. In case of reversal on such appeal restitution may be made in accordance with the provisions of section 2894b of these statutes. In case of affirmance the clerk shall pay over such deposit to the judgment creditor on the filing of the remittitur from the supreme court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 161, S.] [Published May 1, 1905.

CHAPTER 133.

AN ACT to appropriate a certain sum to the Board of Regents of Normal Schools for the use of the Whitewater Normal School.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to the Board of Regents of Normal Schools out of any money in the treasury not otherwise appropriated the sum of seven thousand dollars ($7,000.00) to be by them expended, or so much thereof as may be necessary, in the construction of a separate boiler house for the Whitewater Normal School, the removal of the boilers from the school build-

ing to said house, and the installation of a sanitary and suitable system of water-closets for the use of said school.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 219, S.] [Published May 1, 1905.

CHAPTER 134.

AN ACT to provide for the correction of the tax roll after delivery to the treasurer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Correction of tax roll after delivery. SECTION 1. There is hereby added after section 1085 of the statutes of 1898 a new section to be designated as section 1085a, as follows: Section 1085a. Whenever after delivery of the tax roll to the treasurer it shall be discovered that any city, town or village clerk in making out the tax roll has made a mistake therein in entering the description of any real or personal property, or the name of the owner or person to whom assessed, or in computing or carrying out the amount of the tax, the clerk with the consent of the treasurer at any time before the treasurer is required to make his return of delinquent taxes, may correct the name of the taxpayer, the description of property or errors in computing or carrying out the tax to correspond to the entry which should have been made on the tax roll before delivery to the treasurer. If any such corrections shall produce a change in the total amount of taxes entered in the tax roll, the clerk shall make corresponding corrections in the warrant annexed to such roll. The clerk shall enter a marginal note opposite each correction, stating when made, which shall be signed by the clerk and treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 248, S.] [Published May 1, 1905.

CHAPTER 135.

AN ACT to amend chapter 111 of the laws of 1897 entitled "An act to provide for the establishment and maintenance of historical museums of cities of the 1st and 2nd classes and to authorize the levy of a tax to purchase, erect and maintain such museums."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Museums already existing in certain cities. SECTION 1. Chapter 111 of the laws of 1897 being an act entitled "An act to provide for the establishment and maintenance of historical museums in cities of the 1st and 2d classes and to authorize the levy of a tax to purchase, erect and maintain such museums," is hereby amended by adding to the end thereof a new section known as section 11a to read as follows: *Section 11a. Provided however that where a public museum or museums already exist and are being maintained in any city of the 1st or 2nd class in this state as defined in section 1, of this act, the board or boards of trustees of such museum or museums shall have and exercise the powers and duties herein conferred upon the board created by this act.*

Contravening acts repealed. SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 93, S.] [Published May 1, 1905

CHAPTER 136.

AN ACT to amend sections 1531, 1533, 1540, and 1542, of the statutes of 1898, relating to bastardy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceeding on return of warrant. SECTION 1. Section 1531, statutes of 1898, is hereby amended so as to read as follows: Section 1531. On the return of such warrant, if the accused be in custody or shall appear, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross examine her and put any question necessary for his defense. Witnesses may be examined on behalf of either party. All testimony taken and proceedings had shall be reduced to writing; the proceedings for cause shown may be adjourned from time to time, not exceeding ten days at any one time; and on such adjournment the accused may be recognized for his appearance for such examination in a sum *not less than $100 nor more than $1,000,* and with sureties to the satisfaction of the justice, and in default thereof he shall be committed, pending such examination, to the county jail. The accused shall be entitled to a removal of such action as in criminal examination before justices of the peace.

Recognizance and commitment. SECTION 2. Section 1533, statutes of 1898, is hereby amended so as to read as follows: Section 1533. In case any person accused as aforesaid shall not comply with the provisions of the preceding section and there is probable cause to believe the accused person guilty the justice shall bind such person in a recognizance with one or more sureties, to be approved by the justice, in a sum of *not less than two hundred dollars nor more than two thousand dollars,* to appear at the next term of the circuit court for the proper county, and from time to time thereafter until final judgment, to answer the said complaint and to abide the order of said court thereon; and on his neglect or refusal to find such security the justice shall cause him to be committed to the county jail, there to be held to answer to such complaint; and such justice shall thereupon certify and return the examination and all

testimony so taken before him with all process and papers in the case to the clerk of said court. *In case any examination has been had as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterwards discover admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another arrest and examination shall be had.*

Inquiry by officers. SECTION 3. Section 1540, statutes of 1898, is hereby amended so as to read as follows: Section 1540. If any female shall be delivered of a bastard child which is or is likely to become a public charge, or shall be pregnant of a child likely to be born a bastard and to become a public charge, any member of the town board in a town, *village board in a village, common council in a city or superintendent or commissioner of poor or the chairman of the committee on poor in any such town, village city or* wherein such female shall reside, or in case she shall reside in a county which has abolished the distinction between county poor and town poor, any member of the county board or any superintendent of the county poor thereof may, if they deem proper, apply to some justice of the peace of the same county, who shall thereupon examine such female on oath respecting the father of such child, the time when and the place where such child was begotten and as to such other circumstances as he may deem necessary; and such justice *shall reduce such examination to writing* and shall thereupon issue his warrant, *without further or former complaint,* to apprehend the reputed father, and the same proceeding shall be had thereon and with the like effects as are hereinbefore provided in cases of complaint made by such female.

Compromise, how and by whom made. SECTION 4. Section 1542, statutes of 1898, is hereby amended so as to read as follows: Section 1542. *The chairman of the town, president of the village or mayor of the city wherein any such female shall reside, or county superintendents of poor in such counties as may have abolished the distinction between town and county poor,* shall have power to make such compromise *or* arrangement with the putative father of any bastard child in any such town, city, village or county relative to the support of such child as they shall deem equitable and just; and thereupon may

discharge such putative father from all liability for the support of such bastard.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 187, S.] [Published May 1, 1905.

CHAPTER 137.

AN ACT to amend section 4043 of the statutes of 1898 relating to judgments in county courts and the lien thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgment, how enforced; execution; lien. SECTION 1. Section 4043 of the statutes of 1898 is hereby amended so as to read as follows: Section 4043. All judgments for cost or for costs and a balance found due an estate against a person presenting a claim against such estate, entered by the county court pursuant to the provisions of law, shall have the same force and effect as judgments in the circuit court, and may be enforced by execution at any time within five years after the rendition thereof, and at any time within fifteen years after said five years, upon leave given by such court, upon reasonable notice to the judgment debtor. All such executions shall be signed by the judge and sealed with the seal of the court, and state the amount due upon such judgment, and shall be directed to the sheriff of the proper county, commanding him to satisfy the same, with interest and costs thereon, out of the goods, chattels, lands and tenements of the judgment debtor in his county, and shall be made returnable within sixty days from the date thereof to the court from which the same shall have issued. The sheriff shall proceed to levy upon and sell the property of the judgment debtor in the same manner as required by law upon executions issued out of the circuit court, and shall be entitled to the same fees and commissions allowed by law on executions issuing from the circuit court. * * * *Any such judgment for*

more than ten dollars rendered in favor of an estate against a person presenting a claim, may be docketed in the office of the clerk of the circuit court in the judgment docket kept in his office in the same manner as judgments in the circuit court are docketed, upon the filing of a transcript of such judgment of the county court, stating the names of the parties and the court where judgment was rendered, the date of the judgment, the amount of the damages and costs and the name of the attorney for the judgment creditor, certified by the county judge to be correct and true. Such judgment when so docketed shall be a lien upon the real estate of the judgment debtor in the same manner and for the same length of time as judgments rendered and docketed in the circuit courts of this state. When execution shall issue from the county court upon such judgment, in case the same has been docketed as aforesaid, it shall recite the time of docketing.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 123, S.] [Published May 1, 1905.

CHAPTER 138.

AN ACT to amend section 4607 and section 4607a of the statutes of 1898, relating to the adulteration of dairy products.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of impure milk. SECTION 1. Section 4607 of the statutes of 1898 is hereby amended so as to read as follows: Section 4607. Any person who shall sell or offer for sale, furnish or deliver, or have in his possession with intent to sell or offer for sale or furnish or deliver to any creamery, cheese factory, corporation or person, *any adulterated milk or any adulterated cream shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in*

the county jail not less than thirty days nor more than sixty days.

Terms "adulterated milk" and "adulterated cream" defined. SECTION 2. Section 4607a of the statutes of 1898 is hereby amended so as to read as follows: Section 4607a*. *In all prosecutions under the preceding section, or any other section of these statutes, or laws amendatory thereof or supplementary thereto, relating to the sale of adulterated milk or adulterated cream, the term adulterated milk shall mean: Milk containing less than three percentum of milk fat, or milk containing less than eight and one-half percentum of milk solids not fat, or milk drawn from cows within eight days before or four days after parturition, or milk from which any part of the cream has been removed, or milk which has been diluted with water or any other fluid, or milk to which has been added or into which has been introduced any coloring matter or chemical or preservative or deleterious or filthy substance or any foreign substance whatsoever; or milk drawn from cows kept in a filthy or unhealthy condition, or milk drawn from any sick or diseased cow or cow having ulcers or other running sores, or milk drawn from cows fed unwholesome food, or milk in any stage of putrefaction, or milk contaminated by being kept in stables containing cattle or other animals. The term adulterated cream shall mean cream containing less than eighteen percentum of milk fat, or cream taken from milk drawn from cows wthin eight days before or four days after parturition, or cream from milk to which has been added or introduced any coloring matter or chemical or preservative or deleterious or filthy substance or any foreign substance whatsoever, or cream from milk drawn from cows kept in a filthy or unhealthy condition, or cream from milk drawn from any sick or diseased cow or cow having ulcers or other running sores, or cream from milk drawn from cows fed unwholesome food, or cream contaminated by being kept in stables containing cattle or other animals, or cream to which has been added or into which has been introduced any coloring matter or chemical or preservative or deleterious or filthy substance or any foreign substance whatsoever, or cream in any stage of putrefaction; provided, that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctly labeled in such manner as to advise the purchaser of its true character; and providing that nothing in this act shall be construed as prohibiting*

*The entire section is rewritten.

the sale of milk commonly known as "skimmed milk," when the same is sold as and for "skimmed milk." Milk drawn from cows within eight days before or four days after parturition, or milk to which has been added or into which has been introduced any coloring matter or chemical or preservative or deleterious or filthy substance or milk drawn from cows kept in a filthy or unclean condition, or milk drawn from any sick or diseased cow or cow having ulcers or other running sores, or milk drawn from cows fed unwholesome food, or milk contaminated by being kept in stables containing cattle or other animals and cream from any such milk, or cream in any stage of putrefaction are hereby declared to be unclean and unsanitary milk or unclean and unsanitary cream, as the case may be.

SECTION 3. This act shall take effect and in be in force from and after its passage and publication.

Approved April 29, 1905.

No. 156, A.] [Published May 4, 1905.

CHAPTER 139.

AN ACT amendatory of subdivision 7 of section 731 of the statutes of 1898, relating to sheriff's fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sheriff's fees. SECTION 1. Subdivision 7 of section 731 of the statutes of 1898 is hereby amended, so as to read as follows: 7. Collecting and paying over all sums upon execution, writ or process for the collection of money, *five per cent on the first three hundred dollars; two and one-half percent on the next three hundred dollars or any part thereof and one and one-half per cent on any excess over six hundred dollars;* but in no case shall the whole percentage exceed thirty dollars.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 179, A.] [Published May 4, 1905.

CHAPTER 140.

AN ACT to regulate the manufacture and sale of firecrackers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What firecrackers not to be manufactured or sold. SECTION 1. No person shall sell or keep for sale, or manufacture or bring into this state for use therein, any firecrackers containing dynamite, chlorate of potash, or any explosive, except ordinary gun powder, composed of saltpeter, sulphur and charcoal. No firecracker composed of ordinary gun powder shall be sold or kept for sale unless the same shall be five inches in length or less and not more the [than] seven-eighths of an inch in diameter. Any person violating the provisions of this section shall be subject to be punished by a fine of not less than fifty dollars and not more than one hundred dollars, or by imprisonment in the county jail for a term of not less than six months nor more than one year, or both, in the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after January 1st, 1906.

Approved May 3, 1905.

No. 327, A.] [Published May 4, 1905.

CHAPTER 141.

AN ACT to amend section 604a of the statutes of 1898 as amended by chapter 73, laws of 1899, relating to the election, terms, etc., of trustees of county asylums.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election, terms, etc., of trustees. SECTION 1. Section 604a of the statutes of 1898 as amended by chapter 73, laws of 1899, is hereby amended so as to read as follows: Section 604a. Each county asylum shall be governed by a board of three trustees, to be elected by the county board at its annual *or any special* meeting. At the first election the trustees shall be elected for the terms of one, two and three years respectively, and thereafter one trustee shall be elected each year for a term of three years, beginning on the first Monday in January following his election and continuing until his successor is elected and qualified, *provided that when such trustees are elected at a special meeting of the county board, the term of office for which they are elected shall begin at once and continue until the first Monday in January succeeding their election.* Vacancies occurring from any cause *after the organization of the board of trustees* shall be filled by appointment by the chairman of the county board until the next annual meeting of such board and until the election and qualification of the successor of the appointee; and the county board at such meeting shall elect a trustee for the remainder of the term and until his successor is elected and qualified. Each such trustee shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin and faithfully to discharge his duties to the best of his ability, which oath or affirmation shall be filed in the office of the county clerk. Such trustees shall receive the same compensation for their services as is allowed members of the county board; provided, that no member of any county board shall be eligible to election or appointment as such trustee nor shall he serve in that capacity; and provided further that in any county which maintains both a poor-house and a county asylum for the chronic insane the

trustees of the latter shall be ex-officio superintendents of the poor unless the county board shall, at an annual meeting, order otherwise; but the county board of any such county may appoint a superintendent or superintendents of the poor solely to have charge of such poor persons as need relief outside the poor-house. The treasurer of the county shall be the treasurer of said asylum upon such conditions as the county board may prescribe; and said board of trustees shall report to the county board as often as the latter may require and also annually to the state board of control a full and detailed statement of all receipts and expenditures on account thereof and all other facts concerning the management and administration of said asylum.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 289, A.] [Published May 4, 1905.

CHAPTER 142.

AN ACT to legalize acknowledgments and the recording of conveyances to or from corporations which are invalid by reason of having been acknowledged before an officer or stockholder of such corporation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Defective acknowledgments and recording legalized. SECTION 1. Every instrument in writing, made prior to the taking effect of this act, purporting to convey real estate to or by any corporation and which shall have been signed, witnessed and sealed according to the laws of this state in force at the time of the making of such instrument, the acknowledgement to which shall be defective or invalid by reason of having been taken before an officer or stockholder of such bank or corporation, is hereby declared, so far as the same is defective or invalid by reason thereof, to be and to have been a full and perfect conveyance and acknowledgment of the real estate therein

described and as therein purported to be conveyed, and the records thereof, heretofore made, is hereby declared to be and to have been legal and valid, and every such instrument and acknowledgment thereof as hereinbefore stated, together with a record of the same, shall be receivable in evidence with the same force and effect as if the same had been acknowledged by any other person duly authorized to take acknowledgments as prescribed by law; provided, that this act shall not affect any pending suit or proceeding or the right, title or interest of any purchaser in good faith and for value, without notice.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 396, A.] [Published May 4, 1905.

CHAPTER 143.

AN ACT to amend chapter 377, of the laws of 1901, relating to feeding stuffs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Term "concentrated feeding stuffs" defined. SECTION 1. Section 1 of chapter 377, laws of 1901 is hereby amended to read as follows: Section 1. The term "Concentrated Commercial Feeding Stuffs," as used in this act, shall include linseed meals, cotton seed meals, pea meals, cocoanut meals, oil meals of all kinds, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, sucrene feeds, hominy feeds, cerealine feeds, *distillers' grains, dried brewers' grains, malt sprouts,* rice meals, oat feeds, corn and oat feeds, dried blood, tankage, ground beef or fish scraps; mixed feeds of all kinds, also condimental stock foods, patented and proprietary stock foods claimed to possess nutritive as well as medicinal properties, and all other materials intended for feeding to domestic animals; but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains

of wheat, rye, barley, oats, Indian corn, buckwheat, * * * sorghum, broom corn, *millet and flax seed.* Neither shall it include *wet brewers' grains,* nor wheat, rye and buckwheat brans or middlings not mixed with other substances, but sold separately, as distinct articles of commerce, nor pure grains ground together.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 373, A.] [Published May 4, 1905.

CHAPTER 144.

AN ACT to legalize the incorporation of the Greenbush Cemetery Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Incorporation legalized. SECTION 1. The corporation known as the Greenbush Cemetery Association of Sheboygan county, Wisconsin, is hereby declared to be in all respects regular and is hereby legalized, upon the condition that within thirty days after the passage of this act the present president and secretary thereof shall make and record in the office of the register of deeds of Sheboygan county a certificate containing the names of the associates who attended the first meeting of the incorporation of said association, the corporate name agreed upon, the number of trustees fixed, the names of those chosen at such meeting and their classification, and the day fixed upon for the annual election of trustees; such certificate shall be acknowledged by such officers, and the facts required to be stated therein may be taken from the minute book of said association. Such certificate, when recorded, shall have the same effect as if a proper certificate had been filed within three days after the first meeting at which such association was incorporated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 596, A.] [Published May 4, 1905.

CHAPTER 145.

AN ACT relating to nuisances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action to enjoin nuisance. SECTION 1. An action to enjoin a public nuisance may be commenced and prosecuted in the circuit court of the county in which the alleged nuisance exists, in the name of the state, either by the attorney general upon his own information, or upon the relation of a private individual having first obtained leave from said court to commence and prosecute the same. Unless the attorney general shall prosecute the action, the state shall not be liable for any costs incurred in or arising out of such action.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 153, A.] [Published May 4, 1905.

CHAPTER 146.

AN ACT to make clear the power of courts of record in matters of reference under sections 2864 to 2868 inclusive of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reference, when court may direct; to what courts not to apply. SECTION 1. Section 2864 of the statutes of 1898 is hereby amended so as to read as follows: Section 2864. All or any of the issues in the action, whether of fact or of law, or both, may be referred, *in any court of record,* in the discretion

receive and confine such dust. Provided, that grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act; * * * and provided further, that this act shall not embrace nor apply to such wheels or belts as cannot be so equipped without impairing the convenient or necessary use thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 69, A.] [Published May 4, 1905.

CHAPTER 148.

AN ACT to prohibit the assignment of salaries and wages of married men except by an instrument in writing signed by the wife of such married man and witnessed by two disinterested witnesses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wife to sign assignment of salaries and wages by husband.

SECTION 1. There is hereby created and added to the statutes of 1898 a new section to read as follows: Section 2313a. No assignment of the salary or wages of any married man, then or at the accruing thereof exempt by law from garnishment, shall be valid for any purpose unless such assignment shall be in writing signed by the wife, if she at the time be a member of his family, and unless her signature be witnessed by two disinterested witnesses; nor shall any such assignment be valid as to any such salary or wages to accrue more than two months after the date of the making of such assignment.

SECTION 2. This act shall not apply to existing assignments.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 155, A.] [Published May 4, 1905.

CHAPTER 149.

AN ACT to compel persons to testify in prosecutions brought under sections 4352 and 4583 of the statutes of 1898; and to grant immunity to such persons so compelled to testify.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Witnesses compelled to testify; immunity to such witnesses. SECTION 1. No person shall be excused or privileged from testifying fully under oath in any prosecution brought under the provisions of sections 4352 or 4583 of the statutes of 1898 or for any of the causes mentioned in either of said sections when so ordered to testify by a court of record or any judge thereof; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which such person may so testify or produce evidence, except for perjury committed in giving such testimony.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 200, A.] [Published May 4, 1905.

CHAPTER 150.

AN ACT to amend section 2666, statutes of 1898, relating to the verification of pleadings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Form of verification. SECTION 1. Section 2666 of the statutes of 1898 is hereby amended to read as follows: Section

2666. The verification must be to the effect that the same is true to the knowledge of the person making it, except as to those matters stated on information and belief and as to those matters that he believes it to be true, and must be by the affidavit of the party, or if there be several parties united in interest and pleading together, by one at least of such parties acquainted with the facts, if such party be within the county where the attorney resides and capable of making the affidavit. The affidavit may be made by *an* agent or attorney *if no such party be within the county where the attorney resides,* or if the action or defense be founded upon a written instrument in such attorney's possession, or if all the material allegations of the pleading be within his personal knowledge or belief. When the pleading is verified by any other person *or party* he shall set forth in the affidavit his knowledge or the grounds of his belief on the subject and the reason why it is not made by the party, and if made on knowledge shall state that the pleading is true to his knowledge, and if on his belief, that he believes it to be true. When a corporation is a party the verification may be made by any officer thereof. *In actions wherein the state or any officer thereof in his official capacity is a party, verification of pleadings shall not be required by either the state or anyone in its behalf or by any such officer, but all pleadings made by other parties in actions wherein the state or any such officer is a party shall be verified as provided in this section. In all actions wherein the state is the sole party plaintiff and an unverified answer shall be interposed and the demand of the complaint is for money judgment, judgment may be taken by default with the same force and effect and in the same manner as though the complaint were duly verified.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 247, A.] [Published May 4, 1905.

CHAPTER 151.

AN ACT to define maple sugar and maple syrup and to regulate the sale thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of maple sugar and maple syrup regulated. SECTION 1. Any person who shall manufacture for sale, sell, or offer or expose for sale or have in his possession with intent to sell, as and for maple sugar or maple syrup, any article other than the unadulterated product produced by the evaporation of pure sap from the maple tree, shall forfeit to the state of Wisconsin, the sum of not less than twenty-five dollars nor more than one hundred dollars.

SECTION 2. This act shall take effect and be in force on and after October 1, 1905.

Approved May 3, 1905.

No. 249, A.] [Published May 4, 1905.

CHAPTER 152.

AN ACT relating to the sale of syrups, molasses and glucose mixtures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of syrups, molasses, etc., regulated. SECTION 1. No person shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, sugar-cane syrup, sorghum syrup, molasses or glucose, unless the same be true to the name under which it is sold, and as defined in the standards of purity for food products as adopted by the United States Depart-

ment of Agriculture, and unless the barrel, cask, keg, can, pail or pacakge containing the same be distinctly branded or labeled with the true name of its contents as defined in the above named standards; and no person shall sell, offer or expose for sale or have in his possession with intent to sell any syrup, sugar-cane syrup, sorghum syrup, or molasses mixed with glucose unless the mixture be sold as and for compound glucose mixture or corn syrup, and unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup", in plain Gothic type not less than three-eights of an inch square, with the name and percentum by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain Gothic letters not less than one quarter of an inch square. Each and every package of syrup, either simple or mixed, shall bear the name and address of the manufacturer. Such mixtures or syrups shall have no other designation or brand than herein required that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and the general or distinguishing label shall be the principal and conspicuous sign under which it is sold; nor shall any of the aforesaid glucose, syrups, molasses or mixtures contain any substance injurious to health, nor any other article or substance otherwise prohibited by law in articles of food.

Penalty. SECTION 2. Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of the provisions, shall forfeit to the state of Wisconsin, the sum of not less than twenty-five dollars nor more than one hundred dollars.

SECTION 3. This act shall take effect and be in force on and after October 1st, 1905.

Approved May 3, 1905.

No. 256, A.] [Published May 4, 1905.

CHAPTER 153.

AN ACT to amend chapter 396 of the laws of 1903, entitled "An act to create a municipal court in the county of Brown and the city of Green Bay."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Criminal jurisdiction; appeals from justice courts; jury. SECTION 1. Section 5 of chapter 396 of the laws of 1903 is hereby amended so as to read as follows: Section 5. The municipal court shall be a court of record, with a clerk and seal, and shall have concurrent jurisdiction with the circuit court of Brown county, with full power and authority to hear, try and determine all cases of crimes and misdemeanors of whatever kind, except murder, that are or may be cognizable before the circuit court, which may be committed in the county of Brown, * * * provided that in all cases in which the person charged with crime shall plead guilty to the charge, the said municipal court shall have full power and authority to sentence such person, so pleading guilty, to hard labor in the state prison, in case the offense is liable to such punishment, or to inflict any other punishment or penalty under the laws of the state in as full a manner as the circuit court could do in such cases and the said municipal court shall have power to commit or to bail over to such time as may be convenient, such persons as may be found on examination before it to be indictable or subject to a criminal information in which such persons are charged with an offense punishable by imprisonment in the state prison. * * * On or before the time fixed for the trial of such persons so committed or bailed over the district attorney shall file in said municipal court, the proper information against such person, and the court shall then proceed to hear, try and determine the same, unless the said cause is continued by the court for cause. And in any criminal cause, not cognizable, before a justice of the peace, and in which an information may be filed as aforesaid, after the same is at issue, the judge may fix a day for the trial of the same, and the same may then be tried by the court, in case a trial thereof by jury is waived by the accused, in writing,

or in open court, to be entered upon the minutes, and in case the trial by jury is so waived, the cause shall be tried by the court. No justice of the peace, police justice, or court commissioner within said city of Green Bay, shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, justices of the peace and police justices of said county, in criminal cases (except murder), and in bastardy cases, shall be certified and returned to said municipal court instead of said circuit court, at least five days before the time fixed for the appearance of the accused; and the accused shall, and all witnesses required to attend may be committed to be brought or recognized to appear before said municipal court, on a day certain, not more than twenty days from the date of said commitment or recognizance. Said court shall have jurisdiction to try and determine all appeals in civil and criminal cases from justices of the peace and police justices in said county, and in all cases removed from said justices' or police courts on account of the title to lands coming in question, and all such cases shall be certified and returned to said municipal court instead of the circuit court of said county, within ten days after the perfection of the appeal, in appealed cases, or the joining of issue, in other cases; provided that in civil cases appealable from justices' judgments the party appealing may, at his option, appeal to the circuit court for Brown county instead of to said municipal court. Transcripts of all judgments rendered in said court *may* immediately after the entry of such judgments, be filed by the clerk of said court, in the office of the clerk of the circuit court of Brown county, and shall be docketed by said clerk of the circuit court, who shall receive the same fees therefor as provided by law in other cases and such transcripts of judgment so filed and docketed, shall have the same force and effect as constituting a lien upon real estate that judgments rendered and docketed in said circuit court have by law, and be carried into execution, both as to the principal judgment debtor and his surety, if any, in the same manner and with like effect as the judgment of said circuit court. A jury in said municipal court in criminal cases shall consist of twelve men, qualified to sit as jurors under the laws of this state.

General powers and duties of judge. SECTION 2. Section 11 of chapter 396 of the laws of 1903 is hereby amended so as to

read as follows: Section 11. The municipal judge shall be the chief magistrate of the city of Green Bay, and possessed of all the powers of a justice of the peace in civil and criminal cases and in city prosecutions he shall see that the criminal laws of the state and the ordinances, laws, rules, regulations, resolutions and by-laws of the city of Green Bay be observed and executed, and for that purpose, shall open court every morning (Sundays and legal holidays excepted), and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the city or otherwise, either with or without process for violation of the criminal laws of the state, committed in the county of Brown, or the ordinances and by-laws of the city of Green Bay. In all actions or prosecutions for violations of the city ordinances or by-laws the city attorney shall prosecute. The general provisions of law relative to civil and criminal actions before justices of the peace shall apply to said municipal court so far as applicable; *provided that said municipal court shall have full power and authority to try and determine the question of title to realty in all cases when the question of title is raised;* except that no change of venue shall be taken from said court in any civil case originally commenced in said court, or in any criminal or bastardy examination, or criminal trial, except cases tried upon information as hereinbefore provided. In all actions brought in said municipal court, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124, of the statutes of 1898 entitled, "of attachment," and all the provisions of said chapter 124 shall be applicable to any such attachment in said court. In all actions of replevin in said court, wherein the value of the property shall exceed two hundred dollars, all the provisions of chapter 123 of the statutes of 1898 shall be applicable. Whenever in any case commenced in any of the justice or police courts of said county, a plea of title to land shall be interposed in such manner as to entitle the defendant to a removal of such case, the same shall be certified to said municipal court instead of the circuit court, in the same manner as such cases are now required to be certified to the circuit court; and said municipal court shall have full power and authority to hear, try and determine the same in the same manner as cases brought to said court on appeal. The city marshal of the city of Green Bay, constables

of said county, and other officers having the same power and authority as constables of said county, shall be officers of said court, with the same powers and duties as are or shall be conferred upon them by the laws of this state in reference to justice or police courts, in cases wherein said court or the judge thereof exercises original jurisdiction in civil actions, and in all criminal cases and examinations, including examinations in bastardy cases, except appeal cases and cases in which informations have been filed; and such officers shall receive the same fees for such services as if performed in justices court. All provisions in the charter and ordinances of said city relating to the police court or justice courts, or to criminal prosecutions shall be held applicable to said municipal court. The judge of said court shall have the same power to solemnize marriages, take acknowledgments and depositions, and administer oaths, as a justice of the peace, *or circuit court commissioner,* and shall receive like fees therefor. The judge of said circuit court may, in his discretion, summon witnesses before him and examine them on oath for the purpose of determining whether a warrant should be issued, and witnesses so summoned shall be compelled to attend before him and answer all pertinent questions relative to the subject of inquiry, and shall be subject to punishment for contempt for refusal to attend and answer.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 280, A.] [Published May 4, 1905.

CHAPTER 154.

AN ACT to amend section 6 of chapter 67 of the laws of 1903, fixing a penalty relating to unclean and unsanitary milk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty. SECTION 1. Section 6 of chapter 67 of the laws of 1903 is hereby amended by striking out the words "and, in default of payment thereof," where said words occur in said section 6, and inserting in place thereof the word "or," so that said section when so amended shall read as follows: Section 6. Whoever violates any provision of this act shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense, * * * *or* shall be imprisoned in the county jail not less than thirty days nor more than sixty days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 441, S.] [Published May 4, 1905.

CHAPTER 155.

AN ACT to amend section 3733 of the statutes of 1898 relating to replevin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Affidavit may be amended. SECTION 1. Section 3733 of the statutes of 1898 is hereby amended by adding to the same the following clause: *"Such affidavit may be amended to the same effect as is provided in section 3702."*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 225, A.] [Published May 4, 1905.

CHAPTER 156.

AN ACT to amend section 2256 of the statutes of 1898, relating to satisfaction of mortgages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liability for neglect to discharge. SECTION 1. Section 2256 of the statutes of 1898 is hereby amended so as to read when amended as follows: Section 2256. If any mortgagee, his assignee or the personal representative *of either*, after a full performance of the conditions of the mortgage, whether before or after a breach thereof, shall, for the space of seven days after being thereto requested, and a satisfaction piece in due form being to him or them tendered for execution, after tender of legal charges, refuse or neglect to discharge the same as provided in this chapter, or to execute and acknowledge a certificate of discharge or release thereof, *or to record all assignments transferring such mortgage to such assignee or personal representative*, he shall be liable to the mortgagor, his heirs or assigns, in the sum of one hundred dollars damages, and also for actual damages occasioned by such neglect or refusal, to be recovered in an action.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 501, A.] [Published May 4, 1905.

CHAPTER 157.

AN ACT to amend section 12 of chapter 72 of the laws of 1897 entitled "An act to establish a municipal court at the city of Racine, in and for the county of Racine."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In absence of judge who may act. SECTION 1. Section 12 of chapter 72 of the laws of 1897 is hereby amended so as to read as follows:

Section 12. In case of sickness, temporary absence or disability of said judge he may, by order in writing, filed and recorded in said court, appoint *either the county judge of said county of Racine or* a justice of the peace of said county to discharge the duties of said judge during such sickness, temporary absence or disability, who shall have all the powers of said judge while administering such office, except in the trial of informations, appeals and actions beyond the jurisdiction which is conferred upon justices of the peace by law, *and when a justice of the peace is so appointed he shall be paid for his services by said judge.* In all other cases any circuit judge or any judge of the county court, having civil jurisdiction, may hold court as the judge of said municipal court in case of the absence, sickness or other disability or upon the request of the judge thereof, and while so doing he shall have the same powers as if elected judge of said court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 503, A.] [Published May 4, 1905.

CHAPTER 158.

AN ACT to amend section 447, chapter 27, of the statutes of 1898, relating to branches that shall be taught in the public schools in the state of Wisconsin, introducing elements of argiculture.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Branches to be taught in public schools; kindergartens. SECTION 1. Section 447 of the statutes of 1898 is hereby amended so as to read as follows: Section 447. Orthography, orthoepy, reading, writing, grammar, geography, arithmetic, *elements of agriculture,* history of the United States, the constitution of the United States and the constitution of this state, and such other branches as the board may determine, shall be taught in every district school. All instruction shall be in the English language, except that the district board or the board of education may, in their discretion, cause any foreign language to be taught by a competent teacher to such pupils as desire it, not to exceed one hour each day. District boards, town boards of school directors and boards of education may provide for kindergartens, for instruction and training of primary grades in separate departments or otherwise.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 565, A.] [Published May 4, 1905.

CHAPTER 159.

AN ACT to amend section 925—205 of the statutes of 1898 relating to sidewalks in cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sidewalks, how made by city; collection of cost. SECTION 1. Section 925—205 of the statutes of 1898 as amended by chapter 173 of the laws of 1899 is hereby amended to read as follows:

Section 925—205. Whenever the owner of any lot or parcel of land so abutting upon any improved street or streets ordered to be improved, whereon the space for the sidewalk shall have been graded for ten days or more, shall neglect to lay a standard sidewalk, or one as good as the standard fixed by the common council, approved by the board of public works, it shall be the duty of such board to cause a standard sidewalk to be laid in front of such lot or parcel of land; and whenever the owner of any *lot* or parcel of land abutting upon that portion of any street or streets upon which any sidewalk ordered to be removed is situated shall neglect, for *ten days after the passage and publication of an ordinance or resolution* directing such removal and rebuilding, to lay *in place* of such sidewalk declared unsafe, defective or insufficient a standard sidewalk, or one as good as the standard, to be approved by the board of public works, according to the requirements of the resolution or *ordinance of the common council,* it shall be the duty of said board to remove such defective, unsafe or deficient sidewalk and to replace the same with a standard sidewalk in accordance with the requirements of said resolution or *ordinance.* Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalks shall be out of repair, * * * *should such portion thereof be in such condition that the board of public works do not deem it necessary to order the removal of the whole thereof,* it shall be the duty of the board of public works to repair the same. Such board shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot or parcel of land, whether the work be done by contract or other-

wise, and report the same to the comptroller, who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 699, A.] [Published May 4, 1905

CHAPTER 160.

AN ACT to correct an error and to appropriate certain money to E. D. Rinehard, county treasurer of Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to E. D. Rinehard out of the general fund of the state the sum of ninety-four dollars and eight cents ($94.08) the said sum having been paid by mistake into the treasury of the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 556, A.] [Published May 4, 1905.

CHAPTER 161.

AN ACT to establish a dock line on the south shore of Lake Monona bay, north of the South Madison plat, in Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dock line. SECTION 1. A dock line is hereby established on the south shore of Lake Monona bay and on the north side of the South Madison plat and Oak Lawn addition, in the town of Madison, Dane county, Wisconsin, as platted and recorded in the office of the register of deeds for said Dane county as follows, to-wit: Beginning at a point on the extension in a northerly direction of the east line of lot six (6), block one (1), Oak Lawn addition three hundred and six (306) feet north of the southeast corner of said lot six (6); extending thence in a westerly direction and parallel with the north side of Lakeside street, South Madison, to a point in the said Lake Monona bay on an extension in a northerly direction of the west line of lot one (1), block one (1), said Oak Lawn addition three hundred and six (306) feet north of the southwest corner of said lot one (1), block one (1), Oak Lawn addition to South Madison; extending thence in a westerly direction, by a circular curve, convex to the shore, of radius of one thousand four hundred thirty-two and seven-tenths (1432.7) feet, to a point in said Lake Monona bay in the extension of the west line of lot six (6), block seven (7), said South Madison plat, three hundred thirty-six (336) feet north of the southwest corner of said lot six (6), block seven (7), South Madison plat; extending thence in a westerly direction, by a circular curve, concave to the shore, of radius of one thousand four hundred thirty-two and seven-tenths (1432.7) feet, to a point in said Lake Monona bay in the extension of the west line of lot ten (10), block ten (10), said South Madison plat, three hundred twenty-five feet north of the southwest corner of said lot ten (10), block ten (10), South Madison plat; extending thence in a westerly direction, by a circular curve, convex to the shore, of radius of two hundred seventy-four and four-tenths (274.4) feet, to a point in said Lake Monona bay in the extension of the west line of lot fourteen

(14), block ten (10), said South Madison plat, three hundred twenty-five (325) feet north of the southwest corner of said lot fourteen (14), block ten (10), South Madison plat; extending thence in a northwesterly direction, by a circular curve, convex to the shore, of radius of one thousand four hundred thirty-two and seven-tenths (1432.7) feet to a point in said Lake Monona bay in the extension in a northerly direction of the west line of said block ten (10) South Madison, three hundred twenty (320) feet north of the southwest corner of lot twenty-seven (27), block ten (10), South Madison, Dane county, Wisconsin; extending thence in a northwesterly direction to a point in said Lake Monona bay three hundred and six (306) feet east of the southwest corner of block twenty-five (25), Greenbush addition to said city of Madison.

Not to effect riparian rights. SECTION 2. The establishment of said dock line as above stated shall in no way effect the riparian rights of the land adjacent thereto or any owner thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 714, A.] [Published May 4, 1905.

CHAPTER 162.

AN ACT relating to the live stock sanitary board, and amendatory of sections 2, 5 and 6 of chapter 440, laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of board. SECTION 1. Section 2 of chapter 440 of the laws of 1901 is hereby amended so as to read as follows: Section 2. It shall be the duty of the state live stock sanitary board to protect the health of domestic animals of the state; to determine and employ the most efficient and practical means for the prevention, suppression, control, or eradication, of dangerous, contagious or infectious diseases among domestic animals; and

for these purposes it is hereby authorized and empowered to establish, maintain, enforce and regulate such quarantine and other measures relating to the movement and care of animals and their products, the disinfection of suspected localities and articles and the disposition of animals, as it may deem necessary, and to adopt from time to time, all such regulations as may be necessary and proper for carrying out the purposes of this act. Provided, however, in the case of slowly contagious diseases, only suspected or diseased animals shall be quarantined, and in case of bovine tuberculosis or actinomycosis, the owner shall be granted the option of retaining the animals in quarantine, under such restrictions as the board may prescribe *or of shipping them under the auspices and direction of the board to some abattoir designated by it for immediate slaughter under United States government inspection. In case of the slaughter of animals under the provisions of this section the owners shall receive the net proceeds of the sale thereof and shall have no further claim against the state on account of such slaughter.*

Claims, how paid. SECTION 2. Section 5 of chapter 440 of the laws of 1901 is hereby amended so as to read as follows: Section 5. All claims against the state arising from the slaughter of animals as above provided, shall be made by filing with the secretary of state a copy of the state veterinarian's notice to the justice of the peace, and the return of the appraisers to the justice, which notice and return shall be certified by him. The secretary of state shall examine these, and if satisfied that the amount awarded is just and that the owner of the animal slaughtered, is entitled to indemnity shall issue his warrant for two-thirds of the sum named in such return; but if he shall have reason to believe that the appraised value is greater than the real value of such animals, he shall pay such owner such less sum as he may deem just, provided, that the right to indemnity shall not exist, nor shall payment be made in either of the following cases: First. For animals owned by the United States, this state or any county, city, town or village in this state. Second. For animals brought into this state, contrary to the provisions of this act, or where the owner of the animal *or* the person claiming compensation has failed to comply with the provisions of the same. Third. When the owner or claimant, at the time of coming into possession of the animal, knew or had good reason to believe it to be afflicted with a contagious or infectious disease. Fourth. When the animal slaughtered was diseased at the time of its arrival in this state. Fifth. When the owner shall have been guilty of negli-

gence, or has wilfully exposed such animals to the influence of a contagious or infectious disease. *Sixth. When the animal slaughtered shall have been brought into the state within one year prior to such slaughter, unless the owner or person in charge shall produce the certificate of a duly qualified veterinary surgeon who is a graduate of a reputable veterinary college, issued within ten days of the date of importation, showing such animal to be free from tuberculosis at the time of its arrival in the state.*

Allowance for experimental purposes; report of board; auditing of accounts. SECTION 3. Section 6 of chapter 440 of the laws of 1901 is hereby amended so as to read as follows: Section 6. The state live stock sanitary board shall be allowed for experimental *and such other purposes as shall be deemed necessary by said board,* with the consent and approval of the governor, a sum not to exceed five hundred dollars annually, which bill of expenditures shall be audited and approved by the governor. It shall from time to time issue such bulletins of information as it may deem advisable, which with the *biennial* report of the board to be made to the governor * * * shall be printed by the commissioners of public printing, the bulletins in such number as the governor may approve, and one thousand copies of the report of this board, five hundred of which shall be bound. The state veterinarian is hereby authorized to call to his assistance, as may be necessary in the performance of his work, duly qualified veterinary surgeons, who shall be paid for their services at the rate of seven dollars per day and their actual expenses for the time they are actually employed as assistants. Their accounts shall be audited upon itemized vouchers, certified to by the state veterinarian and approved by the governor, but no person shall be considered a veterinary surgeon, within the meaning of this act who is not a regular graduate in good standing of some recognized veterinary college in the United States, Canada or Europe. The appraisers herein provided for, shall receive two dollars for each day actually employed as such, which amount shall be paid out of the county treasury, upon the certificate of the justice by whom they were summoned. The justice of the peace and other officers who may perform any duty hereunder shall have the same fees as are allowed by law in criminal proceedings in justice courts, and shall be paid by the county in which their services are performed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 152, S.] [Published May 5, 1905.

CHAPTER 163.

AN ACT relating to the jurisdiction of county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction. SECTION 1. Section 2443 of the statutes of 1898 is hereby amended to read as follows: Section 2443. The jurisdiction of the county court shall extend to the probate of wills and granting letters testamentary and of administration on the estates of all persons deceased who were at the time of their decease inhabitants of or residents in the same county and of all who shall die without the state having any estate within such county to be administered, and to any other cases authorized by law; to the appointment of guardians to minors and others in the cases prescribed by law; to all matters relating to the settlement of the estates of such deceased persons and of such minors and others under guardianship; *to all cases of constructions of wills admitted to probate in such court;* and to all cases of trusts *and trust powers* created by will admitted to probate in such court; and such court shall have and exercise such other jurisdiction and powers as are or may be conferred by law.

Notice of petition for construction of will. SECTION 2. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 3791a. Whenever a petition shall be filed for the construction of a will admitted to probate, the court shall by order direct that notice thereof shall be given by publication in a newspaper as provided in section 4045, at least three weeks successively previous to the time of hearing, and to all persons interested, excepting such as shall have joined in the petition or indorsed their consent thereon, by personal service of a copy of such notice upon all who shall reside in this state in the same manner as in case of a summons in circuit court, and by mailing a copy of such notice to all persons interested residing out of this state, whose residence is known or can with due diligence be ascertained, at least twenty days before such day of hearing.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 166, S.] [Published May 4, 1905.

CHAPTER 164.

AN ACT to amend section 4, chapter 119, of the laws of 1899, relating to the county court of St. Croix county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Removal of action from justice court to county court. SECTION 1. Section 4, chapter 119 of the laws of Wisconsin for 1899 is hereby amended so as to read as follows: Section 4. Whenever *any civil action or proceeding* shall be removed from any justice of the peace of said county of St. Croix upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney shall request in writing to such justice of the peace that *such action or proceeding* be removed to the said county court, then *such action or proceeding* and all papers therein shall be forthwith transmitted by mail to the county judge at the city of Hudson and *such action or proceeding* shall be for trial at the next regular term of said county court under the provisions of this act not less than seven days from the date of said removal at the place of holding regular terms of said county court nearest the justice of the peace from whom *such action or proceeding* is removed. *The provisions of this section shall not be extended to criminal actions or examinations excepting by and with the consent of the district attorney or other prosecuting officer, which consent shall be duly entered in the record of such criminai action or proceeding by said justice prior to said removal.*

SECTION 2. This act shall takel effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 181, S.] [Published May 5, 1905.

CHAPTER 165.

AN ACT to amend section 4438 of the statutes of 1898, relating to purchase of property in controversy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase of property in controversy. SECTION 1. Amend section 4438 of the statutes of 1898 so as to read as follows: Section 4438. Any judicial officer * * * who shall take any conveyance of any land or tenements or of any interest therein, and who is not in the lawful possession thereof at the time, from any person not being in the possession thereof, while such lands or tenements shall be the subject of controversy by action in court, knowing the pendency of such action and that the grantor was not in the possession of such lands or tenements, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding two hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 408, S.] [Published May 5, 1905.

CHAPTER 166.

AN ACT to amend section 1, chapter 190, laws of 1899 providing for risks to be approved by resident agents; exception.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Risks to be approved by resident agents; exception. SECTION 1. Section 1, chapter 190, laws of 1899, is amended to

read as follows: Section 1, chapter 190, laws of 1899. No fire insurance company or association not incorporated under the laws of this state, authorized to transact business herein, shall make, write, place, or cause to be made, written or placed, any policy, duplicate policy or contract of insurance of any kind or character, or any general or floating policy upon property situated or located in this state except after the said risk has been approved, in writing, by an *individual* agent who is a resident of this state, regularly commissioned and licensed to transact fire insurance business herein, who shall countersign all policies so issued and receive the commission thereon when the premium is paid, and enter such policy, duplicate policy or contract and payment of premium upon his records, to the end that the state may receive the taxes required by law to be paid on the premiums collected for insurance on all property located in this state. Nothing in this act shall be construed to prevent any such insurance company or association, authorized to transact business in this state, from issuing policies at its principal or department offices, covering property in this state, provided that such policies are issued upon applications procured and submitted to such company by agents who are residents of this state, and licensed to transact the business of insurance herein and who shall countersign all policies so issued and receive the commission thereon when paid, and make the entries thereof hereinbefore provided. No provision of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations or property in transit while in the possession and custody of railroad corporations or other common carriers, nor to the property of such common carriers used or employed by them in their business as common carriers of freight, merchandise or passengers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 476, S.] [Published May 5, 1905.

CHAPTER 167.

AN ACT to amend section 1974 of the statutes of 1898, relating to the non-payment of judgments against insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Failure by surety company to perform undertaking. SECTION 1. Section 1974 of the statutes of 1898 is hereby amended by adding thereto the following provision: "*And in case any order or judgment appealed from shall be affirmed in any action or judicial proceeding, in which any surety corporation, company or association authorized to issue bonds or undertakings in any such action or proceeding shall have executed or issued any such bond or undertaking as a condition of a stay of proceedings upon such order or judgment so affirmed, or to guarantee the payment or performance thereof, if such surety company shall not, within thirty days after notice of the filing of the remittitur, fully perform its undertaking in respect thereto, it shall forfeit its right or license to transact such business in this state until such order or judgment shall have been fully paid, performed or complied with in accordance with the terms and conditions of such undertaking.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 353, S.] [Published May 5, 1905.

CHAPTER 168.

AN ACT to amend section 393, statutes of 1898 as amended by chapters 74 and 260, laws of 1899, and as amended by chapter 166, laws of 1901, concerning the establishment and organization of the board of regents of normal schools. Also to amend sections 395, 398 and 401, statutes of 1898, concerning the conduct of the business of the said board of regents of normal schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Rgents; their terms and vacancies. SECTION 1. Section 393 of the statutes of 1898, as amended by chapters 74 and 260 of the laws of 1899 and 1901, is hereby amended by striking out the words "and not more than one male member of the board shall reside in any one congressional district; provided, however, that where two normal schools are located in one congressional district there may be two regents in such district," so as to read when amended, as follows, to wit: Section 393. For the government of the normal schools established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "The Board of Regents of Normal Schools," composed of the state superintendent, as ex-officio regent, and of ten appointed regents, at least one of whom shall be a woman; the term of office of the appointed regents commencing with the first Monday of February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into five classes of two each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years and until their successors shall be appointed and qualified, and their successors in office shall continue so divided into five classes of two each, so that the term of office of two regents shall expire each year. * * * The governor shall fill all vacancies by appointment, and in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only.

Officers of board. SECTION 2. Section 395 of the statutes of 1898 is hereby amended by striking out the words "to disburse any part thereof" and by substituting the word "same" for the word "balance" in the last sentence of the same, so that the section when amended shall read as follows, to-wit: Section 395. The officers of the board shall be a president, vice-president, and secretary; they shall severally hold their offices for the term of one year, and until their successors are elected, and shall preform the duties incident to their several offices, and such as are prescribed by the board. The state treasurer shall be, ex-officio, the treasurer of the board, but the board may appoint suitable persons to receive any tuition fees or other moneys that may be due from any student or other person, * * * and pay the *same* to the treasurer.

Compensation of regents. SECTION 3. Section 398 of the statutes of 1898, is hereby amended by striking out the words "certificate signed" and by substituting in their place the words "certified to the secretary of state," so that the section when amended shall read as follows, to-wit: Section 398. No member of the board of normal regents shall receive any pay for traveling to or *for* attendance at any meeting of the board, but for any specific service, rendered under the direction of the board, other than attending the meetings thereof, such compensation may be allowed any member, as the board shall deem just and reasonable; and such compensation and all moneys actually and necessarily expended by any member in traveling, attending meetings, or performing any other duty or service, directed to be performed, shall be paid out of the normal school fund income in the state treasury, on accounts presented to and adjusted by the board, and *certified to the secretary of state* by the secretary and president thereof.

Accounts, how made, etc. SECTION 4. Section 401 of the statutes of 1898 is hereby amended by striking out the word "its" in the first sentence and substituting the word "the," and by adding immediately after the word "secretary" the words "of state," and by striking out the words "countersigned by its president and," and by striking out the word "direction" and substituting for the same the words "certificate of the president and secretary." The same section is further amended by striking out the words "paid by or under the authority" in the last sentence of the section and substituting therefor the words "certified to the secretary of state by the aforesaid officers." So that the section when

amended shall read as follows, to-wit: Section 401. All payments for the erection, repairs or enlargement of any normal school buildings, or for fixtures or furniture therefor, and all disbursements from the normal school fund income, including the expenses of boards of visitors of normal schools and of teacher's institutes shall be made by the treasurer of said board on the warrant of *the secretary of state drawn in accordance with the certificate of the president and secretary of the board,* after being audited and allowed pursuant to its rules and regulations, and not otherwise; and in case of a donation no such warrant shall be issued for any part thereof until the sums donated and subscribed shall have been paid into the state treasury, nor in any case until the work shall be done, the services rendered, buildings erected or fixtures or furniture purchased under the direction of said board, and pursuant to a contract made with it. All claims and accounts, before being *certified to the secretary of state by the aforesaid officers of such board,* shall be verified and approved in the same manner as claims against the state university are required to be verified and approved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1905.

No. 103, S.] [Published May 6, 1905.

CHAPTER 169.

AN ACT to amend chapter 232 of the laws of 1903, relating to the advisability of establishing state parks about Devils Lake, in Sauk county, Wisconsin, and the Dells of Wisconsin in Juneau, Adams, Columbia and Sauk counties, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission authorized. SECTION 1. Section 1 of chapter 232 of the laws of 1903 is hereby amended so as to read as

follows: "Section 1. The governor is hereby authorized to appoint a commission, not later than the first day of July, *1905*, consisting of three members, who shall serve without pay for services or expenses to investigate the advisability of establishing and maintaining *state parks* about Devils Lake, Sauk county, *and the Dells of Wisconsin in Juneau, Adams, Columbia and Sauk counties,* Wisconsin."

Duty of; report. SECTION 2. Section 2 of chapter 232 of the laws of 1903 is hereby amended so as to read as follows: "Section 2. It shall be the duty of the commissioners to investigate and report to the governor on or before March 1st, *1906*, as to the advisability of purchasing lands about, upon and surrounding Devils Lake, in Sauk county, Wisconsin, *and the Dells of Wisconsin, in Juneau, Adams, Columbia and Sauk counties, Wisconsin,* for the purpose of establishing *state parks* thereon."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 4, 1905.

No. 145, S.] [Published May 6, 1905.

CHAPTER 170.

AN ACT to regulate the consolidation and reinsurance of domestic insurance companies transacting the business of life, accident or health insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consolidation and reinsurance. SECTION 1. No company organized under the laws of this state to do the business of life, accident or health insurance, either on the stock, mutual stipulated premium, assessment, or fraternal plan, shall consolidate with any other company, or reinsure its risks, or any part thereof with any other company, or assume or reinsure the whole of, or any portion of the risks of any other com-

pany, except as hereinafter provided; but nothing herein contained shall prevent any such company, organized on the stock or mutual plan, from reinsuring a fractional part of any single risk.

Petition for. SECTION 2. When any such company shall propose to consolidate with any other company, or to enter into any contract of reinsurance, it shall present its petition to the commissioner of insurance of this state, setting forth the terms and conditions of such proposed consolidation or reinsurance, and praying for the approval or of any modification thereof, which the commission hereinafter provided for may approve.

Order of notice to policy holders. SECTION 3. The commissioner of insurance shall thereupon issue an order of notice, requiring notice to be given by mail to each policy holder of such company, of the pending of such petition, and the time and place at which hearing thereon will be held, and shall publish the said order of notice and said petition in five daily newspapers, one of which shall be the official state paper, for at least two weeks before the time appointed for the hearing upon said petition.

Commission for hearing petition. SECTION 4. The governor, or in event of his inability to act, some competent person resident of the state to be appointed by him, the attorney general, and the commissioner of insurance of the state, shall constitute a commission to hear and determine upon said petition. At the time and place fixed in said notice, or at such time and place as shall be fixed by adjournment, the commission shall proceed with the hearing, and may make or order such examination into the affairs and condition of said company as it may deem proper. The commissioner of insurance shall have the power to summon and compel the attendance and testimony of witnesses and the production of books and papers before said commission. Any policy holder or stockholder of the company or companies so petitioning may appear before said commission and be heard in reference to said consolidation or reinsurance. Said commission, if satisfied that the interest of the policy holders of such company or companies are properly protected, and that no reasonable objection exists thereto, may approve and authorize the proposed consolidation or reinsurance, or may modify or change

the terms and conditions thereof as may seem best for the interests of the policy holders, and said commission may make such order with reference to the distribution and disposition of the surplus assets of any such company thereafter remaining, as shall be just and equitable to the policyholders. Such consolidation or reinsurance shall only be approved by the consent of all the members of said commission, and it shall be the duty of said commission to guard the interests of the policy holders of any such company or companies proposing to consolidate or reinsure.

Expenses of proceedings, how paid. SECTION 5. All actual expenses and costs incident to proceedings under the provisions of this act shall be paid by the company or companies bringing said petition, and an itemized statement of the expenses and costs shall be filed in the department of insurance with a certified copy of the decision of the commission. No officer of any such company or companies, nor members of said commission, or employee of the state, shall receive any compensation, gratuity or otherwise, directly or indirectly for in any manner aiding, promoting, or assisting in such consolidation or reinsurance.

Penalty. SECTION 6. Any officer, director or stockholder of any such company or companies, or any member of such commission or employee of the state, violating or consenting to the violation of the provisions of this act shall be punished by a fine of not less than ten thousand dollars and by imprisonment for not less than one year, nor more than ten years.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved May 5, 1905.

No. 508, S.] [Published May 9, 1905.

CHAPTER 171.

AN ACT relating to casualty, credit and suretyship corporations and adding a new section to the statutes of 1898 to be known as section 1966—31a.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Condition of doing business. SECTION 1. There is hereby enacted and added to the statutes of 1898 a new section to be known as section 1966—31a which shall read as follows: Section 1966—31a. Any such insurance corporation, foreign or domestic, having a paid up capital of two hundred fifty thousand dollars and having also deposited two hundred fifty thousand dollars in accordance with the provisions of this chapter, may transact the kinds of business defined in subdivisions 1, 2, 3, 5, 6, 7, 8, and 9 of section 1966—25 of these statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 491, S.] [Published May 9, 1905.

CHAPTER 172.

AN ACT to amend section 475 of chapter 27 of the statutes of 1898, relating to loans for school buildings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan for buildings, how authorized; bonds to constitute liens against district. SECTION 1. Section 475 of the statutes of 1898 is hereby amended so as to read as follows: Section 475. For the purpose of aiding in the erection of a school house any

school district, *whether organized under general law, special law or charter,* may, by vote *of the electors* at any annual or * * special meeting, *called for that purpose* authorize the district board, *school board or board of education* to borrow money, *to an amount which shall not in any way exceed the limitations now provided by general law.* The resolution to be voted upon shall be in writing, specifying the amount to be borrowed, the rate of interest, and the time and manner of payment, which shall be in annual installments, *or otherwise,* the last of which shall be payable in not exceeding *fifteen* years from the first day of February next ensuing. Such resolution shall be read to the meeting and the vote taken thereon by ballot. The ballots shall be written or printed, those in favor *of the loan:* "For the loan," those opposed: "Against the loan." The resolution and the vote shall be recorded, and if adopted by a majority, the district board, *school board or board of education* shall be thereupon authorized to borrow such sum of any person on such terms, and execute and deliver to the lender such obligation therefor and such security for payment, including a mortgage or pledge of any real or personal property of the district, subject to the direction contained in the resolution voted, as may be agreed upon, not prohibited by law, and shall also levy a tax to be annually collected thereafter, sufficient to pay the interest annually on such loan and the annual installments of the principal, provided to be paid in each year.

Any bonds issued by any such school district, to secure any loan which bonds shall have been issued in conformity to law, including the provisions of this section, as amended are hereby declared to be and are valid claims and liens against the school district so issuing the same.

Conflicting acts repealed. SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 442, S.] [Published May 9, 1905.

CHAPTER 173.

AN ACT to amend chapter 158 of the statutes of 1898, relating to garnishment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bond for discharge of garnishee. SECTION 1. Chapter 155 of the statutes of 1898 is hereby amended by adding a new section to be known as section 3721a which shall read as follows: 3721a. At any time after the service of a summons in garnishment, either before or after judgment in the main action, the principal defendant may, if he desire, furnish to and file with the justice a bond in double the amount of plaintiff's claim with sufficient surety or sureties who shall justify in the amount of the bond to be approved by him, conditioned that the defendant will pay to the plaintiff the amount of any final judgment obtained by the plaintiff against the defendant in said action in said court or in any court to which the same may be removed on appeal, and also the accrued costs of said garnishee action up to the time of filing said bond, and said garnishee may be then discharged from all further liability as garnishee therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 413, S.] [Published May 9, 1905.

CHAPTER 174.

AN ACT relating to joint school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Submission of question to vote. SECTION 1. A new section is hereby added to the statutes of 1898, to be numbered and to read as follows: Section 491c. It is hereby made the duty of the town, village, city or school district board to submit any resolution proposed in pursuance of section 491 as amended by section 1 of chapter 57 of the laws of 1899, as amended by section 1 of chapter 345 of the laws of 1903, to the voters of such town, village, city or school district upon the filing with said board of a petition in writing, praying for such submission, signed by at least ten per cent of the qualified electors who voted at the last preceding gubernatorial election in such town, city, village or school district.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 171, S.] [Published May 9, 1905.

CHAPTER 175.

AN ACT to appropriate certain sums of money to the normal school fund income to build normal school buildings at Milwaukee and Platteville and to purchase land in Milwaukee; and to authorize the sale of certain normal school property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for normal school at Milwaukee. SECTION 1. There is hereby appropriated from the general fund of the

state and of any money not otherwise appropriated, to the normal school fund income for building a normal school building at Milwaukee for the state normal school there located, and furnishing and equipping the same and purchasing land on which to build the same, the sum of one hundred and eighty-five thousand dollars, one hundred thousand dollars to be now available and eighty-five thousand dollars to be paid out of the general fund in 1906, and such money to be expended in such manner and at such times, with such sums as may be derived from the sale of the present state normal school building at Milwaukee, and the land on which the same is situated, which sale is hereby authorized, as in the judgment of the board of regents of normal schools shall seem best.

Appropriation for normal school at Platteville. SECTION 2. There is hereby appropriated from the general fund of the state out of any money not otherwise appropriated, to the normal school fund income, the sum of one hundred thousand dollars which sum, together with a sum heretofore appropriated, shall be used for the erection of a state normal school building at Platteville upon land now owned by the state for normal school purposes, and for equipping and furnishing the same, one-half of said sum hereby appropriated to be now available and one-half of said sum to be paid out of the general fund in 1906. Said money shall be expended in such manner and at such times for the purposes aforesaid as in the judgment of the board of regents of normal schools shall seem best, and said board of regents are hereby authorized to sell the present normal school building and site at Platteville, and use the money received therefor with other money mentioned in this section for the purpose of erecting the building as herein provided.

Plans and contracts, how submitted and adopted. SECTION 3. It is hereby provided that no plan or plans shall be adopted and no contract or contracts shall be entered into by said board of regents for the building of said normal school buildings, and for furnishing and equipping the same until such plan or plans and contract or contracts with the total cost of each, shall have been submitted to, and in writing approved by, the governor of the state, who shall withhold such approval until he shall have satisfied himself by a personal examination of the same and by such other means as he in his discretion may adopt that such normal school building or buildings can and will be fully completed, furnished and equipped, according to such plan or

plans and contract or contracts, including the purchase of land, for the amounts hereby provided for each particular purpose.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 473, A.] [Published May 9, 1905.

CHAPTER 176.

AN ACT to amend sections 2515, 2516, 2517, 2518, 2521 and 2522 of the annotated statutes, as amended by chapter 366 of the laws of 1891, and by chapter 49, of the laws of 1901, relating to the municipal court for Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of court; in criminal and civil cases; change of venue; review by supreme court. SECTION 1. Section 2515 of the annotated statutes, as amended by section 1, of chapter 49, of the laws of 1901, is hereby amended so as to read as follows: Section 2515. The municipal court of the City of Madison and county of Dane, as heretofore established, is continued under the name of the municipal court for the county of Dane, shall be a court of record, and have a clerk and seal with suitable device, to be procured under the direction of the judge thereof, at the expense of the city of Madison. It has and may exercise powers and jurisdiction, equal and concurrent with the circuit court of Dane county, in all cases of crimes and misdemeanors arising in said county, *and in all civil actions and special proceedings within the county of Dane, in law and equity, where the value of property in controversy or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed five thousand dollars and also of all actions for the foreclosure of mortgages and mechanics' liens, in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be affected exceed that sum.* Such jurisdiction includes the right to try and

determine all appeals to such court * * * from justices of the peace in said county; but the party appealing may, at his option, appeal to said circuit court or said municipal court. No justice of the peace or court commissioner within said city shall exercise any jurisdiction in criminal or bastardy cases, but all such jurisdiction is vested in the judge of said court; and all examinations, recognizances and commitments from said judge, and the other justices of the peace of said county, in criminal cases, and in bastardy cases, shall be certified and returned to said municipal court instead of said circuit court at or before the time fixed for the appearance of the accused; and the accused and all witnesses required to attend shall be committed to be brought, or recognized to appear, before said municipal court on a day certain, not more than thirty days from the date of such commitment or recognizance. Said municipal court shall also have jurisdiction of all actions brought for the breach of any recognizance returned to or given in said court. * * * *The provisions of law applicable to change of venue in the circuit courts of this state shall be applicable to all civil actions and proceedings in said municipal court, except that when the venue of any action shall be so changed, it shall be changed to the circuit court of Dane county, and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622 of the statutes of 1898 of this state, provided, however, that nothing herein contained shall be construed as abrogating the right to the change of venue provided for by section 2621 of the statutes of 1898 of this state and when such change of venue shall be made it shall be by said municipal court direct to the proper county for the trial of the action, and provided further that section 2625 of the statutes of 1898 of this state so far as applicable shall apply to said municipal court, and that the judge thereof shall have the right to call upon a circuit judge to attend, hold court and try such action and while so doing he shall have the same powers as if elected judge of said municipal court;* and all judgments originally rendered by said court, or the judge thereof, in criminal *and civil* cases *and action*, of which justices of the peace have jurisdiction may be appealed to and tried by the circuit court in the same manner as like judgments rendered by justices of the peace. *The judgments and orders of said municipal court in civil and criminal actions, except such as would otherwise be recognizable by justices of the peace, may be reviewed by the supreme court in the same manner that judgments and orders of circuit courts may be.*

Laws and rules applicable; change of venue; process; information; clerk of the court; judgments. SECTION 2. Section 2516 of the annotated statutes, as amended by chapter 366, of the laws of 1891, and by section 2, of chapter 49, of the laws of 1901, is hereby amended so as to read as follows: Section 2516. The general provisions of law which may at any time be in force relative to circuit courts, and actions and proceedings therein, shall relate also to said municipal court, unless inapplicable, and the rules of practice prescribed by the justices of the supreme court for circuit courts shall be in force in said municipal court, and its rules of practice and proceedings shall conform, as near as practicable, to the rules and practice of circuit courts; but the laws of the state relative to change of venue in criminal examinations and trials shall not apply to said court or the judge thereof. *To carry out its jurisdiction the said municipal court shall have all the powers of circuit courts and shall have full power and authority to issue all legal process and writs proper and necessary to carry into effect the jurisdiction given by law,* which process *and writs* shall in substance be the same, when applicable, as used in circuit courts, or shall be as directed by the judge thereof. *Actions may be commenced in the same manner and with like effects as in circuit courts.* Process *or writs* issued by said court, its judge or clerk, * * * may be executed in any part of the state by the officer to whom it is addressed *in the same manner and with like effect as process or writs of the circuit courts.* Any person charged upon information of a criminal offense, in the municipal court of Dane county may, at any time before a jury is drawn for the purpose of a trial in said court, obtain a change of venue to the circuit court of said Dane county, upon making affidavit, that he believes that he cannot obtain a fair and impartial trial, in said municipal court; and thereupon, the said municipal court shall commit or hold the party to bail, to appear at the next term of said circuit court, as upon examination, and the judge, under the seal of said court, shall transmit all the papers, and a copy of the record of the proceedings in such cause properly certified to be such, to said circuit court, which shall then proceed to hear and determine the same, and all recognizances, previously given in such cases and returned to said municipal court, may be enforced by said circuit court as fully as if they had originally run, and been certified and returned thereto. All informations for criminal offenses, committed in said county of Dane, shall in the first instance, be filed in said municipal court by the district attorney of said county, at the next term at which the same may be tri-

able, if terms are held, as hereinafter provided, and if not, then before the time fixed for the trial thereof. The sheriff of Dane county may execute all sentences and judgments of said court. *The clerk of the circuit court of said Dane county shall ex-officio be the clerk of the said municipal court in civil actions and proceedings not otherwise cognizable by justices of the peace, and shall have the care and custody of all books and papers belonging to said municipal court in so far as they appertain to civil actions and proceedings therein not otherwise cognizable by justices of the peace, and shall in such actions and proceedings perform the duties of the clerk of said municipal court in the same manner as is now by law required of him as clerk of the circuit court so far as it shall be requisite and necessary to discharge the duties of clerk of said municipal court and to carry into effect the provisions of this act; and as said clerk of the municipal court he shall keep in the office of clerk of the circuit court all necessary dockets, indexes, minute books and other records of the proceedings and judgments had in said municipal court in like manner and with like effect as is now provided in the circuit court in civil actions and proceedings; and his fees and compensation therefor shall be the same as are now or may hereafter be provided by law for the fees and compensation of the clerk of the circuit court except as hereinafter limited or provided. Such clerk with the approval of the judge of the municipal court may appoint the clerk of said municipal court as deputy clerk, which appointment shall be in writing and filed in the office of the said clerk of the circuit court. Such deputy shall in all matters pertaining to the municipal court aid the said clerk in the discharge of his duties, and in his absence from the said municipal court may perform all his duties in said court; or in case of vacancy by resignation, death, removal or other cause, said deputy shall perform all duties in relation to said municipal court until such vacancy shall be filled. The said clerk of the circuit court shall give his bond in the sum of One Thousand ($1000) dollars or such other amount as shall be required by the county board of Dane county conditioned as near as may be as his bond as clerk of the circuit court and the said clerk shall be responsible on said bond for all official default or misconduct of his said deputy arising in any way out of the performance of his duties as deputy clerk of said municipal court. All judgments, orders and decrees made and entered in and by said municipal court shall be filed, recorded, docketed and indexed as shall like judgments, orders and decrees made and entered in and by the circuit court for Dane county, and when so filed, recorded, docketed*

and indexed shall have the same force, effect and lien and shall be executed and carried into effect and enforced as judgments, orders and decrees made and entered in said circuit court, and all remedies given and proceedings provided for the collection and enforcements of the judgments, orders and decrees of the circuit court shall apply to and be exercised by and pertain to said municipal court.

Powers and duties of judge; violations of city ordinances. SECTION 3. Section 2517 of the annotated statutes, as amended by section 3, of chapter 49, of the laws of 1901, is hereby amended so as to read as follows: Section 2517. The municipal judge, in addition to the powers vested in the municipal court as aforesaid, is vested with all the powers and jurisdiction of a justice of the peace in said county, in criminal actions and proceedings, and jurisdiction of all prosecutions for breach *of the charter or* of any ordinance or by-law of the city of Madison, and also with all the powers and jurisdiction of justices of the peace in said county, in civil actions and proceedings, and also power to hear and determine any such case, although the title to land may come in question therein; and, to exercise such jurisdiction shall hold the municipal court as courts are held by justices of the peace, and the clerk of said municipal court shall act as the clerk of said court when it is held as a justice court and when the judge thereof is sitting as an examining magistrate, and is hereby authorized and empowered to administer oaths and perform the other duties of his position the same as when the said municipal court is sitting as a court of record. The general provisions of law relative to civil and criminal actions before justices of the peace shall apply to said court so far as applicable. * * * Said judge shall open court each morning (Sundays and legal holidays excepted), and hear and dispose of, in a summary way, all cases for violation of the *charter* ordinances and by-laws of said city which shall be brought before him, by police officers or otherwise, either with or without process. Proceedings therein shall be in the forms heretofore used, except as modified by said judge, and the city attorney shall be the prosecuting officer therein. All the provisions in the charter and ordinances of the city of Madison relating to the police justice or criminal prosecutions not inconsistent or contradictory thereto shall be held applicable to said municipal court.

Election and term of judge; vacancy; absence or disability of judge; reporter. SECTION 4. Section 2518 of the annotated

statutes, as amended by section 4 of chapter 49, of the laws of 1901, is hereby amended so as to read as follows: Section 2518. The qualified electors of the county of Dane shall, on the first Tuesday of April, one thousand eight hundred and eighty, and on the same day of the same month each six years thereafter, elect a suitable person to the office of judge of said municipal court, to be called "municipal judge," who shall hold his office for the term of six years from the first Monday in January next succeeding his election, and until his successor is elected and qualified, and who may be removed from office in the manner provided in the constitution for the removal of supreme and circuit judges. Whenever a vacancy shall happen in the office of such judge, the governor shall appoint to fill the same until a successor is elected. Elections to fill the vacancy, for the residue of the term only, shall be held as provided in section eighty-eight for other judges, and notice thereof shall be given by the sheriff of Dane county, in thesame manner as for elections of county officers. All such elections shall be held and conducted, and the votes cast thereat shall be returned and canvassed, and a certificate shall be given in all respects as is provided by law in case of the election of county judges. Said judge, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed in the constitution, which shall be filed in the office of the clerk of the city of Madison, and a duplicate oath in the office of the clerk of the circuit court of the county of Dane. In case of the absence, sickness or temporary disability of said judge, he may, by order in writing to be filed in said court, appoint a justice of the peace of said county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge while administering such office, except the trial of informations or appeals, and actions * * * over which a justice court has no jurisdiction. And the clerk shall make a like record of his proceedings. Such justice of the peace shall receive for his services five dollars a day to be paid by said county; provided, however, that any and all sums in excess of one hundred dollars to be paid to any such justice or justices as aforesaid in any one year shall be paid by the said municipal judge. The municipal judge shall not voluntarily absent himself from the duties of his office more than four weeks in any one year except from sickness. *In all actions and proceedings in which this court has jurisdiction concurrent with that of the circuit court for Dane county any circuit judge may act as judge of said municipal court* in case of the absence, sickness or other disability or upon request of the judge of said municipal court, and while

so doing shall have the same power as if elected judge of said court. The said judge of said municipal court may from time to time employ a phonographic reporter for said court who shall take and subscribe the oath of office prescribed in the constitution and be furnished with all necessary stationery and shall attend when required by said judge and report the proceedings had in such court and perform such duties as said judge shall require. Said judge shall fix the compensation of such reporter not to exceed five dollars for each day and two dollars and a half for each half day of attendance and ten cents per folio for such transcript from short hand notes as may be ordered by said judge, *which compensation shall be paid by the county treasurer out of county funds upon the order of the municipal judge.*

Judge may order terms; jury, how drawn; challenges. SECTION 5. Section 2521 of the annotated statutes, as amended by section 5, of chapter 49, of the laws of 1901, is hereby amended so as to read as follows: Section 2521. Said judge may, if he deem it best, by order in writing filed in court, direct terms to be held for the trial of offenses on which information may be filed, and of appeals from justices of the peace in criminal cases and actions * * * over which a justice court has no jurisdiction not exceeding four in any one year. When such terms are ordered, the clerk of said court in the presence of the judge at least three days before such term shall draw, from the list of persons selected, as hereinafter provided, to serve as jurors therein, *twenty-four* jurors for such term, and shall issue a venire to summon them as such. If no such terms are ordered, the court shall fix a particular day for the trial of the cases mentioned in this section, not more than twenty days after the day fixed in the recognizance or commitment for the appearance of the accused, or after the filing of the return on appeals; and a jury shall be drawn in open court, in presence of the defendant and prosecuting officer, at least two days before the day fixed for trial, in the following manner: The clerk shall draw in presence of the court, from a box containing the names of all the persons so furnished by the jury commmissioners not less than *eighteen* names, which names shall be the names of the jurors who shall then be summoned by the sheriff of said county upon the trial; the same procedure as to examination and challenges of jurymen shall be followed as in circuit court in similar cases and the first twelve jurymen upon such list remaining after such challenges are exercised or waived shall sit as jurors in such case. * * * The day for trial may be adjourned from time to time, in the discretion of the court. If any person thus drawn cannot be summoned, or be excused, or be set aside as in-

competent, another name may be drawn from said list to supply his place, who shall be summoned in like manner, or the judge may direct the issue of a venire to said sheriff to summon the necessary jurors to complete the panel from said county at large.

Duty of jury commissioners as to court; jury trial; how waived; fees. SECTION 6. Section 2522 of the annotated statutes as amended by section 6 of chapter 49, of the laws of 1901, is hereby amended so as to read as follows: Section 2522. The jury commissioners appointed by the circuit judge for Dane county shall at the meeting for drawing the jury for the *May* term of each year for the circuit court for Dane county furnish to the clerk of said municipal court a list containing such number of names as the municipal judge shall direct of persons of like qualifications as prescribed for jurors of the circuit court in the same manner that the names are furnished for the drawing of the jurors for the said circuit court. A jury trial in said court may be waived * * * in writing or by consent in open court entered in the minutes. Upon trial of information or appeals from justices of the peace in criminal *and civil* cases, the jury shall consist of twelve jurors. The fees of the jurors in cases otherwise triable by justices of the peace shall be one dollar per day and in all other cases *two dollars per day besides mileage.* The fees of said judge, witnesses, sheriff and other officers, shall be the same in * * * cases not cognizable before a justice as in circuit courts and in cases so cognizable the same as in courts held by a justice of the peace, except as *herein* provided, and shall be paid in like manner as in circuit and justices' courts respectively.

Conflicting acts repealed. SECTION 7. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 43, S.] [Published May 9, 1905.

CHAPTER 177.

AN ACT to amend chapter 238, laws of 1903, relating to a legislative reference room, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. Section 373i of chapter 238, laws of 1903, is hereby amended by striking out the words "twenty-five hundred" where they appear in such section, and inserting in lieu thereof the words "forty-five hundred," so that said section, as amended, shall read as follows: Section 373i. For the purpose of carrying out the provisions of this act, there shall be and is hereby annually appropriated to the Wisconsin free library commission, from any money in the general fund not otherwise appropriated, * * * the sum of *forty-five* hundred dollars, and any balance not expended in any one year may be added to the expenditure for the next ensuing year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 309, S.] [Published May 9, 1905.

CHAPTER 178.

AN ACT relating to justice courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction in certain cases. SECTION 1. No justice of the peace of any town or village within any county of this state,

containing a city of the first class, shall have jurisdiction of any action brought against a resident of such city, unless one of the parties, is a resident of such town or village.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved May 8, 1905.

No. 485, A.] [Published May 9, 1905.

CHAPTER 179.

AN ACT to provide that towns, villages and cities in this state may accept donations and legacies for the care of cemeteries, and regulating the distribution of the income derived therefrom.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town, village or city may act as trustee. SECTION 1. Any town, village or city within this state may vote to receive and hold in trust money, the income of which is to be used for the care and the improvement of cemeteries and of private lots, and their appurtenances located within such cemeteries.

Vote upon question. SECTION 2. Such vote shall be taken in towns by the electors thereof, at an annual town meeting, and in villages and cities by an ordinance, duly adopted by their governing bodies at some regular meeting thereof, and to be approved by the president of the village or mayor of the city, as the case may be.

Treasurer to keep account of funds received; interest. SECTION 3. Such money shall, unless otherwise directed by the donor, be paid into the treasury of the town, city or village and the treasurer of the municipality concerned shall give a receipt therefor, which shall be recorded in some appropriate book to be kept for that purpose. In such book shall be stated the amount received from each donor, and the specific purpose

to which the use thereof is appropriated. Money so received, unless otherwise directed by the donor, shall be paid into the general fund of the town, city or village and the town, city or village shall thereafter be perpetually liable for four per cent thereon annually, or if the municipality concerned can at any time borrow the same amount of money for a rate of interest less than four per cent, then for such less rate of interest annually to be expended for the purpose and in the manner designated by the donor, by and under the direction of the town, city or village authorities, and through such agencies as they may from time to time select.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 448, A.] [Published May 9, 1905.

CHAPTER 180.

AN ACT to amend section 1967, of the statutes of 1898, relating to oath and bond of the commissioner of insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners oath, bond, etc. SECTION 1. Section 1967 of the statutes of 1898, is hereby amended so as to read as follows: Section 1967. Before entering upon the duties of his office the commissioner of insurance shall take and subscribe to an oath of office, to be filed with the secretary of state, and execute a bond to the state of Wisconsin in the penal sum of *one hundred* thousand dollars, with *six* or more good and sufficient sureties *or a surety company,* conditioned for the faithful performance of his duties, which bond, when approved by the governor, shall be deposited with the state treasurer. Said commissioner shall have an official seal, and shall conduct or cause to be conducted all examination of the affairs of insurance corporations that are or may be required by law; and generally shall exercise such supervision and control over in-

surance companies doing business in this state as the law may require. He shall hold his office in the capitol and be provided with postage, stationery, printing and office supplies, the expense thereof to be paid out of the state treasury. All reports required to be made by any insurance corporation shall be made to said commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 441, A.] [Published May 9, 1905.

CHAPTER 181.

AN ACT to amend section 1920 of the statutes of 1898, relating to reports by insurance corporations to the commissioner of insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reports, when made; what to show. SECTION 1. Section 1920 of the statutes of 1898 is hereby amended to read as follows: Section 1920. The president or vice president and secretary of each fire, inland navigation or transportation insurance corporation, except *mutual fire insurance corporations organized under the laws of this state and licensed to do business therein,* shall annually within the month of January, prepare and deposit in the office of the commissioner of insurance a statement, verified by their oaths, of the business of the corporation during the year and the condition thereof on the thirty-first day of December then next preceding, exhibiting the following items:

First. The amount of the capital stock of the corporation.

Second. The property or assets of the corporation, specifying:

1. The value, as near as may be, of the real estate held by such corporation.

2. The amount of cash on hand in such corporation's office and also the amount deposited in bank to the credit of such corporation, and specifying in what bank or banks the same is deposited.

3. The amount of loans secured by bonds or mortgages, constituting the first lien on real estate on which there shall be less than one year's interest due or owing.

4. The amount of loans on which interest shall not have been paid within one year previous to such statement.

5. The amount due the corporation on which judgments have been obtained.

6. The amount of stocks of this state, of the United States, of any incorporated city of this state and of any other stocks owned by the corporation, specifying the amount, number of shares and the par and market value of each kind of stock so held.

7. The amount of stocks held thereby as collateral security for loans with the amount loaned on each kind of stock, its par value and market value.

8. The amount of the assessments on stocks or premium notes, paid and unpaid.

9. The amount of interest actually due and unpaid.

10. The amount of premium notes on hand on which policies are in force.

11. The amount and the manner of the investment of its guaranty surplus fund, if any.

12. The amount and manner of the investment of the special reserve fund, if any.

Third. The liabilities of such corporation, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the corporation.

3. The amount of losses incurred during the year, including those claimed and not yet due and those reported to the corporation upon which no action has been taken.

4. The amount of dividends declared due and unpaid.

5. The amount of dividends, either cash or scrip, declared not yet due.

6. The amount of money borrowed and security given for the payment thereof.

7. The amount required to reinsure all outstanding risks.

8. The amount of all other existing claims against the corporation.

Fourth. The income of the corporation during the preceding year, specifying:

1. The amount of interest money received.

2. The amount of cash premiums received.

3. The amount of notes received for premiums.

4. The amount of income received from other sources.

5. The amount received in cash premiums for insuring property in this state.

6. The amount received in premium notes, in cash notes, and the amount received from other sources in this state.

Fifth. The expenditures during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much accrued prior and how much subsequent to the date of the preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses during the year, stating the amount paid officers, salaries and fees; the amount paid agents, commissions and fees, and the amount paid for office expenses and rent; the amount paid for taxes, and the amount of all other payments and expenditures.

4. The amount paid in this state for salaries, commissions to agents and for losses.

Sixth. Any other items or facts which the commissioner of insurance may require.

The statement of every such corporation whose capital is composed in whole or in part of notes shall show the amount of notes originally forming such capital and what portion of them is still held by such corporation and considered capital.

The statement of any such foreign corporation shall set forth its business and affairs in the United States, duly verified by its resident manager in the United States. For any failure to make and deposit such annual statement or to promptly reply in writing to any inquiry addressed by the commissioner of insurance in relation to the business of any such corporation or for wilfully making any false statement therein, every such corporation or officer so failing or making such false statement shall forfeit *and pay to the state the sum of* five hundred dollars, and for neglecting to file such annual statement an additional five hundred dollars for every month that such corporation shall continue thereafter to transact any insurance business in this state until such statement be filed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 1, A.] [Published May 9, 1905.

CHAPTER 182.

AN ACT to repeal chapter 139, laws of 1883, to authorize the board of supervisors of the town of Helvetia, in the county of Waupaca, to use the school fund for the purpose of building public roads in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Law repealed. SECTION 1. Chapter 139, laws of 1883, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 300, A.] [Published May 9, 1905.

CHAPTER 183.

AN ACT amendatory of chapter 52 of the laws of 1903, relating to the use of highways for camping purposes and fixing a penalty therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Camping on highway prohibited. SECTION 1. Section 1 of chapter 52 of the laws of 1903 is hereby amended to read as follows: Section 1. It shall be unlawful for any person or persons to camp in wagons, tent or otherwise on the public highways or lands adjacent thereto, * * * after a * * * notice to remove therefrom by the owners of such adjacent lands, or the owner of land abutting on the highway, or by a member

of the board of supervisors or any trustee of *any* town or village where such camping place is made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 53, A.] [Published May 9, 1905.

CHAPTER 184.

AN ACT to amend section 209 of the statutes of 1898, relating to the sale of state lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of sale. SECTION 1. Section 209 of the statutes of 1898, as amended by chapter 450, laws of 1903, is hereby amended so as to read as follows: Section 209. *Sales of all public lands shall be made for cash only, to be paid at the time of sale.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 125, A.] [Published May 9, 1905.

CHAPTER 185.

AN ACT amendatory of section seven (7) of chapter 437 of the laws of 1903, relating to the protection of fish and game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing through the ice unlawful. SECTION 1. Section 7 of chapter 437 of the laws of 1903 is hereby amneded so as to read as follows: Section 7. It shall be unlawful, and is hereby prohibited, for any person to fish in any manner through the ice, on Lake Mason, commonly known as Briggsville pond, situated in the counties of Adams and Marquette, * * * for a period of five years from March 1st, 1903; any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, in the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1905.

No. 78, A.] [Published May 9, 1905.

CHAPTER 186.

AN ACT to repeal chapter 334 of the laws of 1903, being an act relating to fishways in dams, booms, piers and other obstructions in the Koshkonong creek in the counties of Dane and Jefferson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Law repealed. SECTION 1. Chapter 334 of the laws of 1903 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 9, 1905.

No. 536, A.] [Published May 15, 1905.

CHAPTER 187.

AN ACT relating to the manufacture and sale of buckwheat flour.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Packages to be labeled. SECTION 1. No person shall manufacture for sale within this state, or offer or expose for sale, have in possession with intent to sell, or sell or exchange any ground buckwheat containing any product of wheat, corn, rice or other foreign substance, unless each and every package thereof shall be distinctly branded or labeled in letters not less than one-half inch in length with the name of the maker and factory, and the location of such factory, and the words "Buckwheat Flour Compound", together with the words, 'This buckwheat flour compound contains the following ingre-

dients and none other", and immediately after the latter words shall appear in the same size letters the true names of each and every ingredient of such mixture or compound. Provided, that this act shall not be construed as prohibiting the manufacture and sale of Self-Rising Buckwheat Flour when labeled or branded as such and when the same consists only of pure buckwheat flour, salt, sodium bicarbonate and calcium acid phosphate, cream of tartar or tartaric acid.

Label to be conspicuous. SECTION 2. Any brand or label herein required shall be an inseparable part of the general or distinguishing label, and such label shall be that principal and conspicuous sign under which it is sold, and any other label or printed matter upon the package shall not be in contravention of the requirements of this act.

Possession of unlabeled flour prima face evidence of intent to sell same. SECTION 3. The having in possession of any buckwheat flour compound, which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed prima facie evidence of intent to sell the same.

Orders or agreements for future delivery deemed a sale. SECTION 4. The taking of orders or the making of agreements or contract by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour compound shall be deemed a sale within the meaning of this act.

Penalty. SECTION 5. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

SECTION 6. This act shall take effect and be in force from and after July 1, 1905.

Approved May 12, 1905.

No. 236, A.] [Published May 15, 1905.

CHAPTER 188.

AN ACT to amend section 1 of chapter 131 of the laws of 1903, relating to the biennial report and quarterly bulletins of the dairy and food commissioner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Biennial report; quarterly bulletins. SECTION 1. Section 1 of chapter 131 of the laws of 1903 is hereby amended by inserting the word "five" instead of the word "ten" where the said word "ten" occurs in the fifth line of said section; and by inserting the words "bound in cloth" after the word "thousand" where said word "thousand" occurs at the end of the fifth line of said section; and by inserting the word "fifteen" instead of the word "ten" where it occurs in the twentieth line of said section; so that said section 1 of chapter 131 of the laws of 1903 when so amended shall read as follows: Section 1. In lieu of the twenty thousand copies of the biennial report of the dairy and food commissioner, as provided in section 335c of the statutes of 1898, the number of copies of the said biennial report of the dairy and food commissioner shall be *five thousand bound in cloth,* and the said dairy and food commissioner may also, with the consent of the governor, and in accordance with the laws regulating the printing and publication of public documents or bulletins, prepare, print and distribute to such persons as may be interested, or may apply therefor, a quarterly or semi-annual bulletin in suitable paper covers, containing results of inspections, results of analyses made by the chemist for the dairy and food commission, with popular explanations of the same and such other information as may come to him in his official capacity, relating to the adulteration of food, drug and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of the work done during the quarter by the commissioner and his assistants in the enforcement of the dairy and food laws of the state; but not more than *fifteen* thousand copies of each such quarterly bulletin shall be printed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 84, S.] [Published May 15, 1905.

CHAPTER 189.

AN ACT to amend section 1283 of the statutes of 1898, relating to the laying out and discontinuance of highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors' action final, when. SECTION 1. Section 1283 of the revised statutes of 1898 is hereby amended by striking out the last ten words of line 13 and all of lines 14 and 15 of said section, so that, when so amended, said section shall read as follows: "Section 1283. The determination of the supervisors of any town in refusing to lay out, alter, widen or discontinue any highway shall be final (unless such determination be appealed from as provided in this chapter) for the term of one year after the making of such determination; and no application for laying out, widening, altering or discontinuing any such highway shall be again acted upon by said supervisors within said term of one year; and in case the determination of the supervisors of any town in laying out, widening, altering or discontinuing any highway or refusing so to do shall be appealed from as provided for in this chapter and such determination shall be reversed on such appeal the said supervisors shall not within one year after the making of the determination reversed on such appeal act again upon any application to lay out, widen, alter or discontinue any such highway. * * *"

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 497, S.] [Published May 15, 1905

CHAPTER 190.

AN ACT to appropriate a certain sum of money to defray the expenses of the joint committee on fish and game in attending an interstate conference at the city of Chicago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to H. Wipperman, chairman of the joint committee on fish and game, out of the hunting license fund, not otherwise appropriated, the sum of one hundred and twenty dollars, being the amount of the actual and necessary expenses of the joint committee on fish and game, in attending the interstate conference of like committees of adjoining states, held at the city of Chicago on the 8th day of April, 1905, to discuss ths subject of uniform fish and game laws for the several states represented.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 502, S.] [Published May 15, 1905

CHAPTER 191.

AN ACT to amend chapter 112 of the laws of 1893, relating to the municipal court of Douglas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge to give bond. SECTION 1. Section 3, of chapter 112 of the laws of 1893, entitled, "An act to amend chapter 181 of the laws of 1889, as amended by chapter 61, of the laws of 1891 entitled, an act to create a municipal court for Douglas county,"

is hereby amended by inserting after the words "justices of the peace" at the end of the first sentence of such section, the following provision: *"Before entering upon the discharge of the duties of his office said judge shall also execute and deliver to the city of Superior a bond in the penal sum of two thousand dollars, with sureties to be approved by the mayor of said city, conditioned for the accurate accounting for, and prompt payment to, the treasurer of said city, of all fees, fines and penalties by him collected under and by virtue of the charter, ordinances or by-laws of the city of Superior, as provided by section 5, of chapter 112 of the laws of 1893."*

SECTION 2. This act shall take effect and be in force from and after its passage and publication, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved May 12, 1905.

No. 203, A.] [Published May 15, 1905.

CHAPTER 192.

AN ACT prescribing the duties of physicians and others relative to infectious diseases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Physicians and others to report cases to health department. SECTION 1. In every city of the 1st, 2nd, 3rd and 4th classes, whether operating under a general or special charter, it shall be the duty of every physician to report to the department of health in every such city, in writing, the full name, age and address of every person suffering from any one of the infectious or contagious diseases following, to-wit: Measles, smallpox, diphtheria (membraneous croup), scarlet fever, (scarletina), typhoid fever, tuberculosis, (of any organ), rubella, (rotheln) chickenpox, typhus fever, plague, erysipelas, Asiatic cholera, whooping cough, cerebro-spinal meningitis, yellow fever; and it shall be the duty of every person, owner, agent, manager, principal or superintendent of any public or private

institution or dispensary, hotel, boarding or lodging house, in any such city, to make a report, in like manner and form, of any inmate, occupant or boarder suffering from any of the said infectious or contagious diseases.

Physicians and others to report deaths from such diseases. SECTION 2. It shall be the duty of every physician to report forthwith in writing to the said department of health, the death of any person who dies from, or while suffering with or from any infectious or contagious disease, and to state in such report, the specific name and type of such disease, and in the absence of an attending physician, it shall be the duty of every keeper of any boarding house or lodging house, and the proprietor of every lodging house or hotel, to report forthwith to the department of health, all known facts in regard to any person who died in any such house or hotel under his charge suffering from any of the following infectious or contagious diseases: Measles, diphtheria (croup), scarlet fever, typhoid fever, smallpox, chickenpox, Asiatic cholera, typhus fever, rubella (rotheln), plague, whooping cough, within twenty-four (24) hours after the death of such person.

Duty to report in general; interfering with health officer or tampering with notice. SECTION 3. It shall be the duty of every person having knowledge of the existence of any person afflicted with any one of the following infectious or contagious diseases, to-wit: Measles, diphtheria, (croup) scarlet fever, typhoid fever, smallpox, Asiatic cholera, typhus fever, rubella (rotheln), plague, and whooping cough, or has reason to believe that any person is so afflicted, to at once report to the health department of such city, all facts in regard to the case, and no person shall interfere with or obstruct the entrance, inspection or examination of any building or house, or the occupants thereof, by the commissioner of health or his assistants, of such city, or any officers of such department, when investigating a reported case of one of the infectious or contagious diseases above specified, as existing in such house or dwelling, nor shall any person interfere with or obstruct, mutilate, or tear down any notices of such department posted in or on any premises within such municipality.

Physicians and others to report tuberculosis cases; enforcement of sanitary rules. SECTION 4. It shall be the duty of every physician or person, or owner, agent, manager, principal

or superintendent of each and every public or private institution or dispensary, hotel, boarding or lodging house, in any such city, to report to the department of health thereof, in writing, or to cause such report to be made by some proper and competent person, the name, age, sex, occupation and latest address of every person afflicted with tuberculosis, who is in their care, or who has come under their observation, within one week of such time.

It shall be the duty of every person sick with this disease, and of every person in attendance upon any one sick with this disease, and of the authorities of public or private institutions or dispensaries, to observe and enforce all the sanitary rules and regulations of such health department for preventing the spread of pulmonary tuberculosis.

Renovation of premises after being vacated. SECTION 5. In case of the vacation of any apartment or premises by death from tuberculosis, or by the removal therefrom of a person or persons sick with tuberculosis, it shall be the duty of the person or physician in charge, to notify the commissioner of health of such city, aforesaid, of said removal, within twenty-four (24) hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly renovated and disinfected as hereinafter provided.

Commissioners of health to order renovation. SECTION 6. In case of the vacation of any premises or apartments as set out in section five (5) hereof, the commissioner of health, or one of his health officers, shall immediately visit said premises, and shall order and direct that such premises or apartments and all infected articles therein be properly and suitably disinfected. In case there shall be no remaining occupants in such premises or apartments, and same shall be vacant, then the commissioner of health shall cause a notice in writing to be served upon the owner, or agent of the owner of such premises or apartments, ordering the renovation and disinfection of such premises or aptraments, under the direction of and in conformity with the regulations of the local department of health.

Failure to comply with order. SECTION 7. In case any orders or directions of the commissioner of health requiring the disinfection of any articles, premises or apartments, as hereinbefore provided, shall not be complied with within thirty-six (36) hours after such orders or directions shall be

given, then it shall be the duty of the commissioner of health to cause a placard in words and form as follows, to be placed upon the door of the infected apartments, or premises, to-wit:

NOTICE.

Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health commissioner directing their renovation and disinfection has been complied with.

This notice must not be removed under a penalty of law, except by the commissioner of health, or an authorized officer.

Penalty. SECTION 8. Any person who shall violate any of the provisions of this act, and any person who, without written authority from the commissioner of health, shall remove, or cause to be removed any placard placed upon premises or apartments which are or have been occupied by persons sick with any of the diseases mentioned in section 1, upon conviction thereof, shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100.00) or by imprisonment in the county jail for not less than five (5) days nor more than ninety (90) days.

Act not to limit powers of common council. SECTION 9. The provisions of this act shall not be construed as a limitation upon the officers of the common council of any such city to pass such ordinances in aid of the officers of the commissioner of health as may tend to promote and secure the general health of the inhabitants of such city.

Conflicting laws repealed. SECTION 10. All acts, or parts of acts, including the provisions of any special charter contravening the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 296, A.] [Published May 15, 1905.

CHAPTER 193.

AN ACT to amend section 1410a of the statutes of 1898, relating to the powers, duties and legal assistance of the dairy and food commissioner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers and duties; legal assistance. SECTION 1. Section 1410a of the statutes of 1898 is hereby amended so as to read as follows: Section 1410a. It shall be the duty of the commissioner to enforce the laws regarding the production, manufacture and sale of dairy products, the adulteration of any article of food or drink, *or condiment* or of any drug and personally or by his assistants to inspect any milk, butter, cheese, lard, syrup, coffee, tea or other article of food, drink, *condiment* or drug made or offered for sale within this state which he may suspect or have reason to believe to be impure, unhealthful, adulterated or counterfeit, and to prosecute or cause to be prosecuted any person, firm or corporation engaged in the manufacture or sale of any adulterated or counterfeit article or articles of food or drink, *or condiment* or drug in violation of law. The district attorney of the county in which a violation of any such law has occurred shall, when called upon by the commissioner or either of his assistants to do so, give all the aid he can to secure the execution of the law and shall prosecute cases arising under the provisions of this chapter or other provisions of these statutes relating to the adulteration of food, drinks, *condiments* and drugs and their sale. Such commissioner shall have power to appoint, with the approval of the governor, special counsel to prosecute or assist in the prosecution of any case arising under the provisions of these statutes imposing a penalty for adulterating dairy products, *or foods, drinks, condiments or drugs,* or practicing deception or frauds in the manufacture and sale thereof. All fines collected in prosecutions begun or caused to be begun by the dairy and food commissioner or either of his assistants shall be paid into the state treasury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 524, A.] [Published May 15, 1905.

CHAPTER 194.

AN ACT to provide for the protection of ginseng.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Digging ginseng during certain months prohibited. SECTION 1. Except for the purpose of clearing and bringing land into cultivation no person shall between the first day of January and the first day of August in any year cut, root up, gather or destroy the plant known by the name of ginseng whenever such plant may be found growing in a wild or uncultivated state.

Purchase and sale of green ginseng during certain months. SECTION 2. Proof of the purchase or sale of green ginseng between the first day of January and the first day of August in any year shall be prima facie evidence of a contravention of this act.

Purchase of ginseng cut during certain months. SECTION 3. Any person who purchases ginseng, knowing the same to have been cut, rooted up, or gathered between the first day of January and the first day of August shall be guilty of a contravention of this act.

Ginseng illegally obtained. SECTION 4. In any prosecution under the preceding section proof that ginseng purchased has been illegally obtained by the vendor shall be prima facie evidence of a contravention of this act by the purchaser.

Penalty. SECTION 5. Any person who contravenes the provisions of this act shall, for every such offense, upon conviction be fined not less than five dollars or more than twenty dollars together with costs for prosecution and one-half of the penalty shall be paid to the prosecutor. Provided that nothing in this act shall prohibit anyone from digging ginseng on his own land at any time.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 689, A.] [Published May 15, 1905.

CHAPTER 195.

AN ACT to amend section 1966—8 of the statutes of 1898 relating to mutual insurance companies insuring against loss by hail, tornadoes and cyclones or hurricanes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Policies; what risks. SECTION 1. Section 1966—8 of the statutes of 1898 is hereby amended so as to read as follows: Section 1966—8. Such corporation may issue policies signed by its president and secretary, agreeing to pay the person assured thereby all loss and damage to the property insured which he may sustain by hail, tornadoes, cyclones or hurricanes for a period of not more than five years, and not exceeding in amount the sum specified therein. But it shall not insure any property outside this state, nor any property other than detached dwellings, *country stores, hotels and saloons, cheese factories, creameries, town and society halls, theaters and school houses, churches,* farm buildings and their contents, live stock while on the premises or running at large or in use, and hay, grain and all other farm products while growing or while in the shock, stack, bin, crib, granary or other buildings upon such premises; nor shall it insure any property whatever in any city or incorporated village, *except farm property.* No such corporation shall continue for more than thirty years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 698, A.] [Published May 15, 1905.

CHAPTER 196.

AN ACT to amend section 1941—7, of the statutes of 1898, as amended by chapter 25, laws of 1899, relating to the liabiities of members in city and village mutual fire insurance companies and permitting companies to accumulate a contingent fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Members; their liabilities. Contingent fund. SECTION 1. Section 1941-7, statutes of 1898 as amended by chapter 25, laws of 1899, is hereby amended to read as follows: Section 1941-7. Every person to whom any such policy is issued shall be deemed a member of such corporation while such policy is in force, and it shall be lawful for such corporation to require the payment of such premiums and fees, make assessments upon its members and enforce the collection thereof as circumstances may require and as may be specified in its constitution or by-laws or fixed by resolution; and the members thereof shall be subject to such other duties as may be prescribed by the by-laws. *Such corporations may accumulate a contingent fund consisting of the premium receipts each year which are not required to pay the losses and expenses of the corporations, which constitute the balance at the close of the year. Such fund shall be limited to an amount not to exceed ten per cent of the amount of insurance in force and shall be used for the payment of losses, actual expenses and return premiums for the current year only.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 33, A.] [Published May 15, 1905.

CHAPTER 197.

AN ACT to create the town of Barnes in Bayfield county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory embraced. SECTION 1. All of townships number forty-four and forty-five and the south half of township forty-six, in range nine, west, heretofore being within the towns of Iron River and Drummond, in the county of Bayfield, are hereby set off and detached from said towns of Iron River and Drummond and shall constitute and be known as the town of Barnes.

Apportionment of indebtedness of town of Iron River. SECTION 2. Said town of Barnes shall be chargeable with such proportion of the indebtedness heretofore legally incurred by said town of Iron River as the value of the portion detached from said town of Iron River by section 1 of this bill bears to the whole of said town of Iron River before the detachment of such portion, based upon the assessment roll of the town of Iron River of 1905.

Apportionment of indebtedness of town of Drummond. SECTION 3. Said town of Barnes shall be chargeable with such proportion of the indebtedness heretofore legally incurred by said town of Drummond as the value of the portion detached from said town of Drummond by section 1 of this bill bears to the whole of said town of Drummond before the detachment of said portion, based upon the last assessment roll of said town of Drummond.

Apportionment of credits of town of Iron River. SECTION 4. Said town of Barnes shall receive from said town of Iron River its just share of the credits of said town of Iron River, which shall be apportioned in like manner as the indebtedness of said town of Iron River is apportioned, as provided by section 2 of this bill.

Apportionment of credits of town of Drummond. SECTION 5. Said town of Barnes shall receive from said town of Drum-

mond its just share of the credits of said town of Drummond which shall be apportioned in like manner as the indebtedness of said town of Drummond is apportioned, as provided by section 3 of this bill.

First town meeting. SECTION 6. The first meeting of said town of Barnes shall be held in the schoolhouse in township forty-five, north, of range nine, west, on the third Tuesday in May, 1905.

Assessment of personal properties. SECTION 7. The assessment of personal property therein may be made as on the first day of May, 1905.

When town deemed duly organized. SECTION 8. Upon the election and qualification of its officers said town of Barnes shall possess all the rights and privileges of towns under the general law.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 717, A.] [Published May 15, 1905.

CHAPTER 198.

AN ACT relating to inn-keepers and for the promotion of the public health.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What persons not to be entertained at hotels. SECTION 1. No person shall be entitled to entertainment at any inn or hotel in this state who is suffering from a contagious disease, as enumerated in section 1408 statutes of 1898, nor shall one who has been suffering from any such contagious disease be entitled to such entertainment until all danger of spreading contagion

therefrom is past; provided, however, that nothing in this act contained shall authorize compulsory removal or refusal of shelter to any such person then receiving entertainment at any such inn or hotel, if such removal would specially endanger life or health.

Penalty. SECTION 2. Any person who shall knowingly and wilfully solicit or receive entertainment in violation of the provisions of section one of this act shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding six months.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 711, A.] [Published May 15, 1905.

CHAPTER 199.

AN ACT relating to the county court of Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When municipal judge may be requested to act. SECTION 1. In case of the sickness, absence, or inability arising from any cause, of the county judge of Dane county, or when said judge for any cause deems it improper for him to hear or try any proceeding in said court or before him as judge of said court, he may request the municipal judge of said county to hold court or hear and try any matter or proceeding as a court or as a judge of said court in the Dane County Court; and the said municipal judge is hereby authorized and empowered upon such request from the county judge to hold said county court or perform any act as judge thereof as fully as said county judge is authorized or empowered to do. And said municipal judge when so acting under the request of the county

judge shall be designated in such proceeding as "acting county judge."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 706, A.] [Published May 15, 1905.

CHAPTER 200.

AN ACT to amend sections 7 and 8 of chapter 207, laws of 1867, relating to the Brodhead school district, and to add a new section thereto to be known as section 8½.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

President of board; principal and superintendent. SECTION 1. That section 7, chapter 207, laws of 1867, is hereby amended to read as follows: Section 7. At the first meeting of said board *of commissioners* after their election they shall choose one of their number president and whenever he shall be absent a president pro tem may be appointed. *They shall also have power at any meeting of the board and it shall be their duty to elect a prinicipal of the school, who may at the option of the board also serve as superintendent of schools for said district and shall hold his office during the pleasure of said board of education and until his successor shall have been chosen and qualified. The said commissioners shall receive no compensation for their services.*

Duties of principal and superintendent. SECTION 2. Section 8 of the above designated chapter is hereby amended so as to read as follows: Section 8.* *The principal and superintendent of schools of the Brodhead school district shall be in immediate charge of the high school and shall also supervise all of the professional work of the schools for the district and by and with the advice and co-operation of the board of education or a committee thereof shall have general charge of the management of the schools. He shall make rules and regulations for*

*The entire section is rewritten.

the reception and promotion of pupils in the various grades; for the transfer of pupils from one department to another and one school to another as may be to their convenience and benefit. He shall examine and license all teachers employed in said schools as provided for under existing laws and such laws relating to certificates and powers of superintendents as may hereinafter be enacted. It shall also be his privilege and duty to meet with the board of education; to report from time to time upon the progress and general advancement of the schools under his supervision and to make suggestions as to equipment, changes in rules and regulations, the efficiency of teachers and all other subjects pertinent to the welfare of the schools.

Clerk of board; duties; salary. SECTION 3. A new section, to be known as "section 8½," is hereby added and made to read as follows: Section 8½. The board of education shall also have power to elect a clerk, who may or may not be one of their own number. Said clerk shall attend the meetings of the board of education and keep a complete record of their proceedings, said records to be open at all times for public inspection. A transcript of said record certified by the president and clerk of the board shall be received in all courts and places as prima facie evidence of the facts therein set forth. It shall also be the duty of said clerk to sign all orders against the district; to take the annual school census and to make such reports as may be required by law or called for by the board of education or state superintendent of public instruction. The salary of the clerk shall be fixed by the board of education.

Conflicting laws repealed. SECTION 4. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 708, A.] [Published May 15, 1905.

CHAPTER 201.

AN ACT to amend section 182 of the statutes of 1898 relative to the appointment of commissioners of deeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment; term; oath; seal. SECTION 1. Section 182 of the statutes of 1898, is hereby amended so as to read as follows: Section 182. The governor shall have power to appoint one or more commissioners in any * * * of the United States, or of the territories belonging to the United States *and in foreign countries*, who shall hold his office for the term of four years unless sooner removed. Every such commissioner, before exercising any power by virtue of his appointment, shall take and subscribe an oath *of* [or] affirmation before a judge or clerk of one of the courts of record of the state or territory *or country* in which he shall reside, faithfully to perform all the duties of such commissioner pursuant to the laws of Wisconsin, which oath, with an impression of his seal of office and a statement of his postoffice address, he shall deposit in the office of the secretary of state, and shall at the same time pay into the treasury the sum of five dollars; and thereupon his commission shall issue.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 12, 1905.

No. 350, S.] [Published May 16, 1905.

CHAPTER 202.

AN ACT to detach certain territory from the county of Forest and to attach the same to the county of Vilas and to create the town of Hackley.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory detached. SECTION 1. Townships No. 41 north of range 12 east and No. 42 north of range 12 east are hereby detached from the county of Forest and attached to and made a part of the county of Vilas.

Territory embraced in town of Hackley. SECTION 2. Township No. 41 north of ranges 11 and 12 east and township No. 42 north of ranges 11 and 12 east are hereby created and constituted a separate town to be known and designated as the town of Hackley.

Apportionment of credits and indebtedness between town of Hiles and town of Hackley. SECTION 3. The credits and indebtedness shall be apportioned between the town of Hiles and the town of Hackley, taking into consideration only the territory hereby detached from said town of Hiles, according to the provisions of section 672 of the statutes of Wisconsin.

Apportionment of credits and indebtedness between town of Eagle River and town of Hackley. SECTION 4. The credits and assets and indebtedness shall be apportioned between the town of Eagle River and the town of Hackley so far as it applies to the territory hereby detached from said town of Eagle River according to the provisions of section 672 of the statutes of Wisconsin.

First town meeting. SECTION 5. Qualified electors of said town of Hackley shall meet at the school house in the village of Hackley on the third Tuesday of May, 1905, and at such town meeting in the manner provided by law, elect town officers for the said town of Hackley and transact such other business as

electors of a town are authorized to transact at an annual meeting.

When town deemed duly organized. SECTION 6. Upon the election of such officers, the town of Hackley shall possess all the rights and privileges of towns under the statutes.

Assessment of property; schools. SECTION 7. All the property in said town of Hackley shall be assessed by the officers of said town and the personal property as of May first. The schools in said town shall be, until otherwise provided, under the township system and the first school officer shall be elected on said third Tuesday in May, 1905.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 285, S.] [Published May 18, 1905.

CHAPTER 203.

AN ACT relating to the payment of the cost and expense of street improvements in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvements, how paid for when city unable to collect special assessment. SECTION 1. In cities of the first class as defined by section 926, subdivision 1 of the statutes of 1898, when a contract shall be entered into by said city for any street improvement, and the contractor shall agree to be paid by special assessments, and the improvement so contracted for shall be completed and accepted by the city, and said city shall, for any reason, be unable to collect said special assessment or any part of any said special assessment at the time when it would regularly collect the same, and be thereby unable to pay the cost of said improvement in the manner agreed, then said city shall pay the cost of said improvement to the said contractor or to the person entitled to receive the same out of the same fund and at the same time that it would be by law required to pay the ex-

cess of the cost of any improvement over the special benefits assessed. And in any appeal, action or proceeding now pending or which may hereafter be instituted, wherein a final determination of the same may result in discharging any property from a part or all of any assessment for any street improvement, payment of that part of the cost of such improvement which is represented by the amount of such assessment so discharged, shall be made by the city out of the same fund and at the same time as provided by law when the cost of an improvement shall exceed the benefits assessed.

Conflicting laws repealed. SECTION 2. All acts or parts of acts contravening the purpose of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 146, A.] [Published May 18, 1905.

CHAPTER 204.

AN ACT relating to official bonds of county officers, and amendatory of section 702, of the statutes of 1898, as amended by chapter 376 laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Execution, approval, record, sureties, and compensation for. SECTION 1. Section 702 statutes of 1898 as amended by chapter 376 laws of 1903 is hereby amended so as to read as follows: Section 702. Every official bond required by law of any county officer shall be executed to the proper county by its corporate name, and after approval thereof shall be recorded at the cost of the officer in the office of the register of deeds of his county and shall then be filed with the county clerk, and shall be in such sum as directed by law, or if not so definitely directed, then in such sum as shall be fixed by resolution of the county board of supervisors, for such officer; and every such bond and the sufficiency of the sureties thereto shall be approved by a com-

mittee consisting of the chairman of the county board of supervisors and of not less than two additional members of the board, who shall report their action upon all bonds, in writing, to the board; and whenever the county board shall deem any such bond insufficient said board may by resolution require an additional bond in such sum as said resolution shall direct, not exceeding the amount fixed by law in any case, to be executed, approved and recorded in like manner and filed within twenty days after notice thereof. To each such official bond shall be annexed the affidavit of each surety thereto that he is worth a sum therein stated, to be at least two thousand dollars, over and above all his debts and liabilities, in property not by law exempt from execution. The county board may, by resolution, duly adopted, require the county treasurer and county clerk to furnish as surety on their official bonds, surety companies, and pay such companies out of the general funds in the county treasury, the *premium* of such surety company or companies, for such security. The compensation to be paid to such company or companies shall be determined by agreement between them and the county board. * * *

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 147, A.] [Published May 18, 1905.

CHAPTER 205.

AN ACT relating to the surety on official bonds and amendatory of section 1966—38 of the statutes of 1898 as amended by chapter 436 of the laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Premium as surety on official bonds. SECTION 1. Section 1966—38 of the statutes of 1898 as amended by chapter 436 laws of 1903 is hereby amended so as to read as follows: Section 1966—38. The state, any county, town, village or city may pay

out of the funds thereof the cost of any official bond furnished by any officer pursuant to law or any rules or regulations requiring the same, if said officer shall furnish a bond with a surety company or companies authorized to do business in this state, said cost not to exceed one eighth of one per centum on the amount of said bond or obligation by said surety executed. *The provisions of this section relating to the cost of such bond shall not apply to bonds furnished by county officers. In such cases the cost of the bond or bonds may be fixed by agreement between the county board and the surety company, and shall not be limited to one eighth of one per centum of the amount of said bond.*

Conflicting laws repealed. SECTION 2. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 459, A.] [Published May 18, 1905.

CHAPTER 206.

AN ACT to amend chapter 232 of the laws of 1901, regulating the organization, admission, fees and taxes of re-insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Re-insurance companies, organization and admission of; fees and taxes. SECTION 1. Chapter 232 of the laws of 1901 is amended to read as follows: Chapter 232, laws of 1901. Any number of residents of this state, not less than nine, may form a corporation for the purpose of transacting the business of re-insurance; such re-insurance company shall transact business only with authorized insurance companies and not through agents, and such re-insurance may include all classes and kinds of in-

surance permitted by the statutes, provided, however, that any re-insurance company, organized or admitted to transact more than one class or kind of re-insurance, shall be required to have an aggregate capital equal to the capital now required by law for each kind or class of insurance, and shall be required to hold reserves in the same amount and manner as now required for each such kind or class of insurance which by the provisions of its charter, it is authorized to transact; such re-insurance company may be incorporated, *and foreign re-insurance companies may be admitted to transact business in this state,* in the same manner as fire, life, casualty and surety corporations are now provided for and shall comply with the same laws regulating such corporations so far as the same may be applicable. Such re-insurance company shall pay the same fees and taxes * * * required to be paid by fire insurance companies, and shall *within the month of January* of each year, file an annual statement of its business with the department of insurance, *showing its condition on the thirty-first day of December of the preceding year.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 232, A.] [Published May 18, 1905.

CHAPTER 207.

AN ACT to amend section 4600 of the statutes of 1898, and section 4601 of the statutes of 1898, as amended by chapter 133 of the laws of 1903, relating to the sale of adulterated articles and defining the terms "drug" and "food."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of adulterated articles; definitions. SECTION 1. Section 4600 of the statutes of 1898 is hereby amended so as to read as follows: Section 4600. Any person who shall, by himself, his servant or agent or as the servant or agent of any other person, sell, exchange, deliver or have in his possession with in-

tent to sell, exchange, offer for sale or exchange any drug or article of food which is adulterated shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than four months. The term "drug," as used in this section, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food," as used herein, shall include all articles used for food or drink *or condiment* by man, whether simple, mixed or compound.

Adulteration, what is. SECTION 2. Section 4601 of the statutes of 1898, as amended by chapter 133 of the laws of 1903, is hereby amended so as to read as follows: Section 4601. An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if, when sold, *or offered or exposed for sale or had in possession with intent to sell,* under or by a name recognized in the United States pharmacopaeia, it differs from the standard of strength, quality or purity laid down in the latest current edition thereof; second, if when sold, *or offered or exposed for sale or had in possession with intent to sell,* under or by a name not recognized in said pharmacopoeia, but which is found in the pharmacopoeia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest current *report* of such work; third, if its strength, quality or purity falls below the professed standard under which it is sold.

2. In the case of food: First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its strength, quality or purity; second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it; third, if any valuable or necessary ingredient has been wholly or in part abstracted from it; fourth, if it is an imitation of, or sold under the name of, another article; fifth, if it consists, wholly or in part, of a diseased, infected, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not; sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; seventh, if it contains any added substance or ingredient which is poisonous, injurious, or deleterious to health, or any deleterious substance not a necessary ingredient in its manufacture; provided, that

articles of food which are labeled, branded or tagged in a manner showing their exact character and composition and approved by the dairy and food commissioner of the state, and not containing any poisonous or deleterious ingredient, shall not be deemed adulterated in the case of mixtures or compounds sold under their own distinct names or under coined names and which articles, if substitutes, are not in imitation of, or sold under, the name of any other article of food; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except so far as may be necessary to secure freedom from adulteration, imitation or fraud.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 258, A.] [Published May 18, 1905

CHAPTER 208.

AN ACT to provide for the collection of vital statistics in cities and incorporated villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Record of births and deaths. SECTION 1. The health officers of all cities except those of the first class, and the clerks of all incorporated villages shall collect, as now prescribed by law, and keep a complete record of all births and deaths occurring within their respective jurisdiction. The blank forms in the record books shall conform to the birth and death certificates now in use.

Quarterly report to state board of health. SECTION 2. It shall be the duty of the health officers of all cities, and the clerks of all incorporated villages to make a full report quarterly to the secretary of the state board of health on blanks fur-

nished for this purpose so that the state board of health may make a comparative table of the healthfulness or unhealthfulness of all cities and all incorporated villages.

Penalty. SECTION 3. Any health officer or clerk who refuses or neglects to comply with the provisions of this act shall, upon conviction, be fined not less than ten dollars ($10.00) nor more than fifty dollars ($50.00) for each offense.

Duty of district attorney. SECTION 4. It shall be the duty of the district attorney, to prosecute such delinquent officer, upon complaint to enforce the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 284, A.] [Published May 18, 1905.

CHAPTER 209.

AN ACT amendatory of subdivision 34 of section 925—52 of the statutes of 1898, relating to powers of city common councils and providing for heating city buildings and other buildings in cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of common council. SECTION 1. Subdivision 34 of section 925—52 of the statutes of 1898 is hereby amended so as to read as follows: 34. To provide for lighting the streets, public grounds and buildings with gas or otherwise, *and heating buildings with steam or otherwise,* and for furnishing light *and heat* to the inhabitants of such city, upon such terms as may be provided by ordinance; and for such purpose may own and operate its own lighting *and heating* plants, or contract by ordinance or otherwise with any person, persons, company or corporation, for a term not exceeding ten years at any one time, at such price, on such terms and subject to such limitations as may

be prescribed by such ordinance or contract; provided, that the foregoing provision for furnishing light *and heat* to the inhabitants shall not apply to cities of the first class.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 323, A.] [Published May 18, 1905

CHAPTER 210.

AN ACT amendatory of chapter 312 of the laws of 1901, relating to the levy of a special highway tax in towns and to provide for county aid in constructing permanent highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County aid for, how obtained. SECTION 1. Section 2 of chapter 312 of the laws of 1901 is hereby amended to read as follows: Section 2. Whenever the supervisors of any town shall file with the county board of the county in which such town is situated, a petition setting forth that such town, in addition to levying the usual highway taxes has voted to cover any main traveled highway, after the same has been properly graded at the expense of said town, not less than twenty-four feet wide, with gravel, crushed rock or clay and gravel to a depth of not less than four inches, and not less than eight feet in width, and that said town has provided for the payment of one-half of the cost of covering said main traveled highway with gravel, crushed rock or clay and gravel. the county board shall appropriate the other half of such cost and cause such sum to be levied upon all the taxable property in the county, as will with the amount provided for by said town be sufficient to defray the expense of covering said main traveled highway or highways designated in said petition. Such money when collected, shall be paid out on order signed by the chairman of the county board and county clerk whenever said town supervisors shall notify them that the work has been completed and accepted. The county board shall, at the time of making

such appropriation, designate *two* of its members who shall have full authority to act with the town board of supervisors in letting the contract for, providing the specifications for, and inspecting and accepting the work, provided that nothing herein contained shall compel any county to make or cover more than one mile of highway at a cost not to exceed one thousand dollars in a town in any one year, or to levy a total tax of over one mill on the dollar of the assessed valuation in any one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 394, A.] [Published May 18, 1905.

CHAPTER 211.

AN ACT to appropriate to L. M. Sturdevant a sum of money therein named to reimburse him for money paid out by him for the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of eighty-nine and ninety-five one hundreths dollars to L. M. Sturdevant to reimburse him for moneys paid out for the state for clerk's, officer's and witnesses' fees and for abstracts and certified copies of records in actions and proceedings in which the state is interested or a party.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 443, A.] [Published May 18, 1905

CHAPTER 212.

AN ACT to amend section 1, of chapter 233 of the laws of 1901, relating to the number of reports to be printed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of reports to be printed; distribution. SECTION 1. Section 1 of chapter 233 of the laws of 1901, is hereby amended so as to read as follows: Section 1. Paragraph 4, section 1972b of the statutes of 1898 is hereby amended so as to read as follows: Paragraph 4. The names and compensation of the persons employed by him, the whole amount of the expenses of his department, the amount of taxes and fees paid by each corporation and the amount and date of payment of the same to the state treasurer. There shall be printed and in readiness for distribution, two thousand copies of the fire and marine report, two thousand five hundred copies of the life, casualty and surety report and *two thousand five hundred* copies of the local mutual report for the use of the governor, legislature and department of insurance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 453, A.] [Published May 18, 1905.

CHAPTER 213.

AN ACT to amend section 4445 of the statutes of 1898 relating to cruelty to animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cruelty to animals. SECTION 1. Section 4445 of the statutes of 1898 is hereby amended by inserting between line 14 and 15 the following: "*shall, in all cases where such cruelty results in the death of such animal or is occasioned by the administering of poison, be punished by imprisonment in the county jail for a period not less than three months or by imprisonment in the state prison for a period of not to exceed two years or by a fine not to exceed five hundred dollars, and in all other cases,*" and by adding at the end of said section the following: "*or by both such fine and imprisonment in the discretion of the court.*"

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 686, A.] [Published May 18, 1905.

CHAPTER 214.

AN ACT to amend section 1038 of the statutes of 1898, relating to exemption from taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Property exempt from taxation. SECTION 1. Subdivision 10 of section 1038 of the statutes of 1898 is hereby amended so as to read as follows: 10. So much of the debts due or to become due to any person as shall equal the amount of bona fide and unconditional debts by him owing. *Stock in national or state*

banks or other corporate stock shall not be considered debts due or to become due to any person within the meaning of this subdivision.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 709, A.] [Published May 18, 1905.

CHAPTER 215.

AN ACT amending section 925—25 of the statutes of 1898 as amended by chapter 60 of the laws of 1901, providing for a change in the method of choosing the city clerk in cities governed thereby.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Officers, how chosen; in fourth class cities. SECTION 1. Section 925—25 of the statutes of 1898, as amended by section 2 of chapter 60 of the laws of 1901 is hereby amended so as to read as follows: Section 925—25. The mayor, treasurer, comptroller, assessor or assessors, aldermen, justices of the peace, one or more constables and supervisors shall be elected by the people. The other officers may be appointed by the mayor or elected by the council, as shall be determined by ordinance; provided, that in case any such officer, except policeman, shall be appointed by the mayor, such appointment, shall be subject to confirmation by the council. In cities of the fourth class the clerk and any and all other officers, in addition to those hereinbefore specified, may be elected by the electors at the same time and in the same manner as other officers are elected, upon a petition asking therefor being filed in the office of the city clerk fifteen days prior to any regular municipal election, signed by a majority of the electors of such city who voted at the last general election then next preceding, as appears from the poll list. And it shall be the duty of the council and the proper officers of any city of the fourth class, to give notice of, call for and order the election at the next election and thereafter at each succeeding election, the

officer or officers whose title of office is specified in such petition. Such petition may include one or more or all the officers of such city, and the notice of and the order for the election shall follow and include the officer or officers named in the petition, and upon like petition, signed by a majority of the electors asking therefor, any common council, by ordinance duly passed, may provide for the appointment by the mayor, with the concurrence of the council, of any officers of such city excepting the offices of mayor, alderman, assessor, treasurer, supervisor or justice of the peace, *provided that the city clerk in every city adopting this sub-section shall be chosen in the manner in force in such city at the time of adopting the same, unless the common council in such city shall provide by ordinance for an election by the people to such office.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 506, A.] [Published May 18, 1905.

CHAPTER 216.

AN ACT to amend chapter 315 of the laws of 1903, relating to the taxation of railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment and tax roll; extension of tax on roll against railroad companies; duties of state treasurer; taxes, when due. SECTION 1. Section 15 of said chapter 315 of the laws of 1903 is hereby amended to read as follows: Section 15. The board shall compute and levy a tax upon the property of each railroad company as assessed at the average rate of taxation determined as aforesaid, and the amount of tax to be paid by each railroad company shall be extended upon the assessment roll opposite the description of the property of the respective companies. After the completion of said tax roll, and prior to the first day of February in each year except *as hereinafter otherwise provided,*

the board shall attach thereto a certificate signed by the members of said board, or a majority thereof, which shall be as follows: We do hereby certify that the foregoing tax roll includes the properties of all railroad companies liable to taxation in this state; that the valuation of the property of each railroad company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment, and that we have assessed and levied the taxes thereon charged in said tax roll at the average rate of taxation in this state as required by law. The said tax roll shall thereupon forthwith be delivered to the state treasurer, who shall immediately notify by registered mail the several railroad companies taxed therein to pay the taxes extended thereon, to the state treasurer, as follows: One-half of the amount of such tax on or before the fifteenth day of February and one-half on or before the tenth day of August in each year. The taxes extended against any railroad company after the same become due, shall be a lien upon all the property of such company prior to all other liens, claims and demands whatsoever, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of such railroad company within the state as an entirety.

Taxes adjudged illegal; re-assessment. SECTION 2. Section 16 of said chapter 315 is hereby amended to read as follows: Section 16. If any tax levied under the provisions of this act shall be adjudged illegal and non-enforcible, or shall be set aside by any court *of the state* of competent jurisdicton, * * * it shall be the duty of said board, whether any part of the taxes assessed and levied have been paid or not, to forthwith reascertain and re-determine the value of the property of railroad companies or the value of the general property of the state or the average rate of taxation throughout the state as may be required; and when such reascertainment and redetermination has been made, to make a duplicate of the original assessment roll and to extend the taxes thereon according to such reassessment and when such duplicate roll has been made and the taxes extended thereon in the manner provided in this section, it shall be of the same force and effect as an original assessment made in accordance with law. All proceedings for such reassessment and for the extension and collection of taxes upon such duplicate assessment roll shall be conducted in the method originally provided for as near as may be. *The board shall fix the time and place for the hearing or proceedings for the reasssessment and give notice thereof by mail to the railroad companies.* The

ower to reassess the property of railroad companies and the eneral property of the state, and to redetermine the average ate of taxation, may be exercised as aforesaid and as often as ay be necessary until the amount of taxes legally due from ny such railroad company for any year under the provisions f this act, has been finally and definitely determined. Whenver any sum or part thereof, levied upon any property subject taxation under this act so set aside has been paid and not reunded, the payment so made shall be applied upon the reassessent upon said property and the reassessment of taxes to that xtent shall be deemed to be satisfied.

Action to set aside or restrain collection of tax; condition of ranting injunction. SECTION 3. Section 19 of said chapter 15 is hereby amended to read as follows: Section 19. In any ction, suit or proceeding brought by such company *in the state ourt* * * * to set aside, restrain, or postpone the payment r collection of any tax levied upon the property of the railroad ompany, no injunction, order or writ to enjoin or restrain the ayment or collection of the tax shall issue, or be continued in orce, unless said company shall pay to the state treasurer for he use of the state the amount of taxes which the court shall letermine primarily to be justly and equitably due from such ompany. Such primary determination shall be made by the *tate* court in which the action, suit or proceeding is pending, pon motion, summarily and without delay. In case the amount f tax justly and equitably due from such company, shall be inally determined to be less than the amount so paid, the excess hall be refunded to such company by direction of the court, nd for that purpose the secretary of state, upon the filing in is office of a certified copy of such final determination, shall raw a warrant upon the state treasurer for the amount to be o refunded.

Action to recover illegal tax; limitation of; attorney general appear for state. SECTION 4. Section 20 of said chapter 15 is hereby amended to read as follows: Section 20. Any ilroad company claiming to be aggrieved by the levy of a tax pon its property, and alleging facts showing substantial injuse in the determination of the board, may within six months om the payment of the tax, and not thereafter, bring and aintain an action against the state in the circuit court *of the tate* to recover such part of the tax as shall exceed the amount e company should have paid. The state may be served with

a summons in such action by delivering a copy to the attorney general or leaving it at his office in the capitol with one of his assistants. The attorney general shall appear and defend the action in behalf of the state.

Action, where tried; prejudice of judge; adjournment. SECTION 5. Said chapter 315 is hereby amended by adding after section 20 a new section to be known as section 20a which shall read as follows: Section 20a. Any action brought by any railroad company to cancel or set aside any tax or enjoin the collection thereof under the provisions of sections 16 or 19 or to recover back any taxes under the provisions of section 20, shall be commenced and tried in the circuit court for the county of Dane and the place of trial thereof shall not be changed except upon consent of parties. If the judge of said court shall be disqualified, or if the statutory affidavit of prejudice be filed, such judge shall call upon some other circuit judge of the state to attend and hold court for the trial of such action in accordance with the provisions of section 2625, statutes of 1898, as amended by chapter 101 of the laws of 1901, except as hereinafter provided; and it is hereby made the duty of such circuit judge so called upon to attend and conduct the trial of such action. The power to call in another judge and the jurisdiction of such judge to attend and hold court for the trial of any such action shall not expire with the term at which the application is made or affidavit of prejudice is filed nor at any subsequent term of court, but shall continue until the action is tried and final judgment entered. The said circuit court after the trial of any such action is commenced may in its discretion for proper cause adjourn the trial thereof from time to time beyond the dates fixed by statute for the terms of court in said county.

Delinquent taxes and license fees to bear interest; forfeitur for failure to pay taxes and license fees. SECTION 6. Sectio 21 of said chapter 315 is hereby amended to read as follows Section 21.* *All taxes and license fees which shall not be pai at the time provided in this act shall thereupon become deli quent and shall bear interest at the rate of fifteen per cent pe annum from the time the same become delinquent until actuall paid. The neglect of any company to pay the taxes, licens fees, and interest thereon within sixty days after the entry o final judgment dismissing in whole or in part any action of suc company to restrain or set aside a tax or license fee or the ne*

*Entire section is rewritten.

lect of any company within sixty days after the entry of final judgment in favor of the state for the taxes, license fees, and interest to pay the judgment shall be cause for forfeiture of all the rights, privileges and franchises, whether granted by special charter or obtained under general laws, by or under which such railroad is operated. The attorney general upon such neglect shall proceed by action to have forfeiture of such rights, privileges and franchises of such company duly declared. Any such company, at any time before the final judgment for forfeiture of such rights, privileges and franchises is rendered, may be permitted upon good cause shown to make payment of the taxes, license fees, interest and costs herein provided, upon special application to the court in which the action to declare such forfeiture is pending upon such terms as the court shall direct.

Taxes and license fees due to constitute lien; judgment; sale. SECTION 7. Said chapter 315 is hereby amended by adding after section 21 a new section to be known as section 21a which shall read as follows: Section 21a. The taxes levied upon and extended against the property of any railroad company, after the same become due, with interest thereon, and all license fees, after the same become due, with interest thereon, shall become a lien upon the property of such company within the state prior to all other liens, debts, claims or demands whatsoever, which lien may be enforced in an action in the name of the state in any state court of competent jurisdiction against such railroad company and against the property of such company within the state. The place of the trial shall not be changed from the county in which any such action is commenced, except upon consent of parties. The action to recover taxes, license fees and interest and to enforce the same as a lien shall be an action in equity and shall be commenced and carried on and judgment entered according to the laws of the state and the rules and practice of courts of equity so far as applicable. No reference shall be made to take testimony or to hear, try and determine the issues of fact in the action. The judgment shall fix the amount of taxes, license fees and interest, adjudge the same a lien on the property of the railroad company and provide for the sale of such property in ninety days after the entry of judgment upon publication of the notice of sale in the official state paper for four consecutive weeks prior to such sale. The judgment shall bear interest at the rate of ten per cent per annum from the date of entry until finally paid. The state treasurer for and in the name of the state may bid at the sale and the state may become the purchaser of the property of a railroad company un-

der a judgment for its sale for taxes, license fees, interest and costs. If the judge of the court in which such action is commenced shall be disqualified or an affidavit of prejudice is filed such judge shall call upon some other circuit judge to attend and hold court for the trial of the action, according to the mode provided in section 20a.

Assessments of 1904 and 1905; assessments thereafter. SECTION 8. Section 22 of said chapter 315 is hereby amended to read as follows: Section 22. The first assessment of the property of railroad companies under this act shall be commenced in the year 1903 and be completed in the year 1904, and shall be known as the assessment of 1904, and the second assessment of the property of railroad companies under this act shall be commenced in the year 1904 and completed in the year 1905 and shall be known as the assessment of 1905. *Assessments thereafter shall be commenced and completed in a similar manner.*

License fees to be paid in 1904, 1905, 1906, 1907, 1908, and 1909. SECTION 9. Section 23 of said chapter 315 is hereby amended to read as follows: Section 23. (1) Every railroad company operating a railroad in this state except street railways operated by horse power or mechanical power, shall on or before the tenth day of February in each of the years 1904, 1905, *1906, 1907, 1908 and 1909*, make and return to the state treasurer in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding calendar year, of the number of miles of railroad operated by each such company and the gross earnings per mile per annum during such year, which statement shall be verified by the oath of the secretary and the treasurer of such companies so operating such railroad.

(2) Each such railroad company so operating any railroad, shall on returning such statement, apply for a license to operate the railroad mentioned in such statement, and shall pay the license fee therefor provided in the next subdivision of this section, and thereupon shall receive from the state treasurer a license to operate such railroad for the calendar year commencing on the first day of January preceding and terminating on the next succeeding thirty-first day of December unless sooner revoked.

(3) The annual license fees for the operation of such railroads within the state for each of the years 1903, 1904, 1905, *1906, 1907, 1908 and 1909* shall be as follows:

1. Four percentum of the gross earnings of all railroads, except those operated on pile and pontoon or pontoon bridges, whose gross earnings equal or exceed three thousand dollars per mile per annum of operated railroad.

2. Three and one-half percentum of the gross earnings of all railroads, except those operated on pile and pontoon, or pontoon bridges, whose gross earnings equal or exceed two thousand five hundred dollars and are less than three thousand dollars per mile per annum of operated railroad.

3. Three percentum of the gross earnings of all railroads, except those operated on pile and pontoon, or pontoon bridges, whose gross earnings equal or exceed two thousand dollars and are less than two thousand five hundred dollars per mile per annum of operated railroad.

4. Five dollars per mile of all operated railroads, except those operated on pile and pontoon, or pontoon bridges, whose gross earnings equal one thousand five hundred dollars per mile per annum and are less than two thousand dollars per mile per annum of operated railroad, and in addition two and one-half per centum of their gross earnings in excess of one thousand five hundred dollars per mile per annum and under two thousand dollars per mile per annum.

5. Five dollars per mile of operated railroad by all companies whose gross earnings are less than fifteen hundred dollars per mile per annum.

6. Two per centum of the gross earnings of all railroads which are operated on pile and pontoon, or pontoon bridges, which gross earnings shall be returned as to such parts thereof as are within the state. One-half of the license fee shall be paid at the time the license so issues and one-half on or before the tenth day of August in each year. * * * The property of all railroad companies shall be expressly subject and liable to such further taxes in addition to such license fee as may be ascertained, determined and levied by said board as in the next section provided.

Assessment and taxes of 1904, 1905, 1906, 1907, 1908, and 1909; tax roll; refund of excessive license fee; tax to be lien on property; notice to companies. SECTION 10. Section 24 of said chapter 315 is hereby amended to read as follows: Section 24. When the assessment of the property of railroad companies and the taxes levied upon such property shall have been ascertained and determined as herein prescribed for the years 1904, 1905, *1906, 1907, 1908 and 1909,* the assessment and tax

roll of the property of such railroad companies for said years shall not be certified or delivered to the state treasurer until after the license fees paid and to be paid for the then present year have been ascertained and deducted from such taxes. The said board, on and between the tenth day of February and the fourteenth day of May in each of the years 1904, 1905, *1906, 1907, 1908 and 1909,* from the statements made and returned by the railroad companies to the state treasurer and from all other information obtained by it, shall ascertain and determine the amount of the license fees paid and to be paid in the then present calendar year and enter the amount of such license fees in its record and in a separate column in the tax roll opposite the name of the proper company. If the amount of the license fees which any company has paid and will be required to pay for a license to operate during the then present year is less than the amount of the tax thus levied upon the property of such railroad company, the amount of such license fee shall be deducted from the amount of the tax entered on the tax roll against the property of such company and the balance entered in a separate column opposite the name of the proper company. The amount of such balance shall be the tax finally levied upon the property of such railroad company and shall be the tax certified to the state treasurer on said tax roll for collection and payment. If the amount of the license fee which any company has paid and will be required to pay for a license to operate during the then current year is more than the amount of the tax levied upon the property of such company, the amount of such tax shall be deducted from the amount of the license fee, and the balance entered in a separate column on the tax roll, shall be the amount which shall be refunded by the state treasurer to such company. The board, after ascertaining and determining the amount of excess of taxes above the license fee or the excess of license fees above the taxes, as the case may be, shall correct the tax roll of the property of the railroad companies according to the facts so as to show in a separate column, the true amount of taxes each company shall pay after the deduction of the license fee and the amount any company may be entitled to have refunded for excess of license fees over taxes levied. The roll thus revised and corrected shall be certified to the state treasurer on or before the fifteenth day of May in each of the years 1904, 1905, *1906, 1907, 1908 and 1909.* After the completion and correction of said tax roll for each of the years 1904, 1905, *1906, 1907, 1908 and 1909,* and on or before May fifteenth, the board shall

attach thereto a certificate signed by said board or a majority thereof which shall be as follows: We hereby certify that the foregoing tax roll includes the property of all the railroad companies liable to taxation in this state for the present year; that the valuation of the property of each railroad company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment; that we have assessed and levied taxes thereon at the average rate of taxation in the state as required by law; that we have ascertained and determined the amount of license fee paid and to be paid by each railroad company for the present year; that when the taxes levied upon the property of a railroad company exceeded the license fees the amount of license fees has been deducted from the amount of taxes and the balance entered in a column under the head, "Taxes levied and to be collected," and when the license fees exceeded the taxes levied upon the property of a railroad company, the amount of taxes has been deducted from the amount of license fees and the balance entered in a column under the head, "License fees to be refunded." The said tax roll with such certificate shall thereupon forthwith be delivered to the state treasurer and shall be his warrant for the collection of the taxes therein specified, and levied upon the property of railroad companies. The state treasurer shall immediately notify by registered mail any company taxed therein to pay the taxes extended thereon to the state treasurer, as follows: One-half the amount of such tax within thirty days and one-half on or before the tenth day of August following: *If the tax roll shall be delivered to the state treasurer after the eleventh day of July, all of the taxes shall be payable thirty days after notice given by the state treasurer.* * * * Whenever it appears from said tax roll that any railroad company is entitled to a refund of the license fee, the board at the time of the delivery of the tax roll to the state treasurer shall make and deliver to the secretary of state a statement certified by said board showing the name of any railroad company entitled to a refund for excess of license fees and the amount thereof. The secretary of state shall forthwith draw his warrant on the state treasurer in behalf of such railroad company for one-half of the amount to be refunded, and the state treasurer shall pay such warrant within thirty days from its date. The remaining one-half of the amount to be refunded shall be deducted when any company entitled thereto shall pay the remainder of its license fee on or before the tenth day of August. For the purposes of the assessments of the years 1904, 1905,

1906, 1907, 1908 and 1909 to be made as in this section provided, the time for determining the value of the property of railroad companies as provided in section seven shall be extended to the first day of December, the time for making the determination of the value of the general property of the state as provided in section 9 shall be extended to the first day of December, and the time for the meeting of the board and for reviewing the assessment as provided in section 10, shall be the second Tuesday of December and extend to the fifteenth day of January following.

Property subject to taxation declared to be personal property; place of assessment. SECTION 11. Said chapter 315 is hereby amended by adding after section 24 a new section to be known as section 24a which shall read as follows: Section 24a. The property of a railroad company subject to taxation under the provisions of this act as defined in subdivision 3 of section 2 of this act is hereby declared to be personal property and the place of assessment and taxation of such property is hereby fixed at the capital of the state.

Refusal to report. SECTION 12. Section 6 of said chapter 315 is hereby amended to read as follows: Section 6. If any railroad company or its officers or agents shall refuse or neglect to make any reports required by this act or said board, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts or papers when requested by said board, or shall refuse or neglect to appear before the board in obedience to a summons, such company shall be estopped to question or impeach the action or determinaton of the board upon any grounds not affecting the substantial justice of the tax, *but no railroad company shall be allowed in any action or proceeding to question the amount or valuation of its property as assessed by the board unless such company shall have made and filed with such board a full and complete report of the facts and information prescribed by section 5 of this act and called for by the board thereunder, provided the refusal or neglect of such company to file the report in time may on application of the company and for good cause shown be excused by the board on condition that such company shall make a full and complete report of all facts and information mentioned in said section 5 within fifteen days after notice by mail of the amount of the preliminary valuation of the property of such company and shall appear before the board before the time of the final hear-*

ing and make a full disclosure of all property liable to assessment and taxation under this act and show the value of such property to the satisfaction of the board.

Tax of 1904 not paid held delinquent. SECTION 13. The taxes assessed and levied upon the property of railroad companies in the year 1904 and which have not been paid shall be held delinquent and shall bear interest at the rate of fifteen per cent per annum from and after this act shall take effect and be in force until such taxes are actually paid.

Expenses of judge and fees of sheriff and clerk of court, how paid. SECTION 14. The railroad fare and other expenses of any judge who may be called in and shall attend and hold court for the trial of any action under the provisions of this act, not exceeding five dollars per day for such expenses, shall be paid out of the state treasury from the certified statement of such judge filed with the secretary of state and audited by him. The fees of the sheriff and one deputy, the clerk of the court and one deputy, and the official stenographer for attendance upon the court for the trial of any action under this act, upon the certification of said clerk and approval by the attorney general shall be audited by the secretary of state and paid out of the state treasury.

Limitations upon effect of amendments. SECTION 15. The amendments hereby made to said chapter 315 shall not defeat, remit or affect the license fees paid or to be paid for the years 1904 and 1905, nor defeat, remit or in any way affect the assessment of railway property made in the year 1904 or the taxes levied upon such property in said year. Nor shall it defeat, remit or affect any suit pending or any penalty or forfeiture incurred under any law of this state prior to the passage of this act.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved May 16, 1905.

No. 503, S.] [Published May 19, 1905.

CHAPTER 217.

AN ACT relating to the appropriation made by section 2, of chapter 399, of the laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unexpended balance of appropriation to be paid to commission. SECTION 1. The state treasurer is directed to pay the unexpended balance of the appropriation made by section 2, chapter 399, laws of 1903, to the commission existing under such law, taking the receipt of its president and secretary therefor.

Members of commission responsible for money so paid. SECTION 2. The members of the commission shall be responsible for the money paid as aforesaid and shall account therefor to the secretary of state in vouchers for money paid for expenses incurred by them in the execution of such chapter and in cash by the first day of June, 1905. The cash so received by such secretary of state shall be by him upon its reception paid to the state treasurer, who shall cover the same into the general fund.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1905.

No. 405, A.] [Published May 19, 1905.

CHAPTER 218.

AN ACT to repeal section 4 of chapter 270 of the laws of 1887, relating to the printing of the list of delinquent and unredeemed lands, in Forest county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Law repealed. SECTION 1. Section 4 of chapter 270 of the laws of 1887, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1905.

No. 406, S.] [Published May 19, 1905.

CHAPTER 219.

AN ACT to provide for the supervision and control of investment companies not now under statutory regulation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conditions of doing business. SECTION 1. No person and no co-partnership, association or corporation, whether local or foreign, heretofore organized or which may hereafter be organized, doing business as a so-called investment, loan, benefit, co-operative, home, trust or guarantee company, for the licensing, control and management of which there is no law now in force in this state, and which such person, co-partnership, association or corporation, shall solicit payments to be made to himself or itself either in a lump sum, or periodically, or on the installment plan, issuing therefor so-called bonds, shares, coupons, certificates of membership or other evidences of obli-

gation or agreement, or pretended agreement to return to the holder or owners thereof money or anything of value at some future date, shall solicit or transact any business in this state unless such person, co-partnership, association or corporation, shall have first complied with all the provisions prescribed in chapter 93 of the statutes of 1898 required of foreign building and loan associations authorized to do business in this state.

Provisions of chapter 93, R. S., made applicable. SECTION 2. All provisions of said chapter 93 with respect to the supervision, control and conditions upon which foreign building and loan associations are permitted to do business in this state are hereby made applicable to and imposed upon persons, co-partnerships, associations or corporations described in the first section of this act, the same as though they were foreign building and loan associations under said act, so far as such supervision, control and conditions can be made applicable to the particular business done by such persons, co-partnerships, associations or corporations.

Penalty. SECTION 3. Any person, co-partnership, association or corporation who or which shall act as principal or agent in doing such business or in soliciting business for, or membership or participation in, any such co-partnership, association or corporation, or solicit business for such person or persons doing business as such companies, not authorized to do business in this state, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail of not less than three months, nor more than one year, or by both such fine and imprisonment.

Laws repealed. SECTION 4. Chapter 216 of the laws of 1899 and chapter 374 of the laws of 1903 are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 18, 1905.

No. 30, A.] [Published May 22, 1905.

CHAPTER 220.

AN ACT to create the town of Orienta in Bayfield county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory embraced. SECTION 1. Townships forty-nine and fifty, north, of range nine west, and the south half of town forty-nine (49) north of range eight (8) west, heretofore being within the town of Iron River, in the county of Bayfield, are hereby set off and detached from said town of Iron River and shall constitute and be known as the town of Orienta.

Apportionment of indebtedness. SECTION 2. Said town of Orienta shall be chargeable with such proportion of the indebtedness heretofore incurred by said town of Iron River, as the value of the territory constituting said town of Orienta bears to the whole of said town of Iron River, based upon the assessment roll of 1905 of said town of Iron River.

Apportionment of credits. SECTION 3. Said town of Orienta shall receive from said town of Iron River its just share of the credits of said town which shall be apportioned in like manner as the indebtedness.

First town meeting held legalized. SECTION 4. The first meeting heretofore held in said town on the first Tuesday of April, 1905, is hereby in all respects legalized.

When town deemed duly organized. SECTION 5. Upon the election and qualification of its officers said town of Orienta shall possess all the rights and privileges of towns under the general law.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 19, 1905.

No. 73, A.] [Published May 24, 1905

CHAPTER 221.

AN ACT to amend section 335e of the statutes of 1898, as amended by chapter 332, laws of 1903, pertaining to the printing of the proceedings of the association of trustees and superintendent of county asylums of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Printing for association of trustees and superintendent of county asylums. SECTION 1. Amend chapter 332, laws of 1903, by substituting the word "fifteen" for the word "five", where the same appears in line four and the word "five" for the word "two", where the same appears in line six, and when so amended, the clause shall read as follows: "*Fifteen* hundred copies of the Proceedings of the Association of Trustees and Superintendent of County Asylums of this state, *five* hundred copies to be bound in cloth and the remainder in pamphlet form; provided, that the whole number of printed pages shall not exceed two hundred and fifty, and the same shall be distributed by the president and secretary of such association."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 139, A.] [Published May 24, 1905.

CHAPTER 222.

AN ACT to amend section 1512 of the statutes of 1898, as amended by chapter 319 of the laws of 1903, relating to the relief and support of the poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relief of strangers; county's liability; residence. SECTION 1. Section 1512, as amended by chapter 319 of the laws of 1903 is hereby amended so as to read as follows: Section 1512. When any person not having a legal settlement therein shall be taken sick, lame, or otherwise disabled in any town, city or village, or from any other cause shall be in need of relief as a poor person and shall not have money or property to pay his board, maintenance, attendance and medical aid, the supervisors or other proper authorities shall provide such assistance to such persons as they may deem just and necessary, and if he shall die, they shall give him a decent burial. They shall make such allowance for such board, maintenance, nursing, medical aid and burial expenses as they shall deem just, and order the same to be paid out of the town, city, or village treasury. The expenses so incurred shall be a charge against the county. The account therefor shall be audited by the county board and paid out of the county treasury, and to be by said county recovered of the town, city or village in which such person so relieved has a legal settlement; provided, however, that if such town, city, or village is located in a county which has adopted and maintains the county system of maintaining its poor, then and in that case the county shall be liable. It shall be the duty of the town, city, or village clerk to ascertain, if possible, the town, city or village in which such person has a legal settlement, and within ten days after such person becomes a public charge, to serve upon the county clerk of his county a written notice which shall state the name of the person who has received public aid, the name of the town, city, or village where such person claims a legal settlement, or, if such place could not, after due diligence, be ascertained, a statement of such fact, and the date on which the first aid or support was furnished. *In case such notice is not given within ten days, the*

same may be given at any other time, but in such case the county shall be liable only for the expense incurred for the support of such person from and after the time of the giving of such notice. The county clerk shall file such notice in his office, and shall within ten days after the receipt thereof serve a written notice, containing the information * * * so received, upon the county clerk of the county in which such person claims a legal settlement, and, if such county is not under the county system of maintaining its poor, the county clerk thereof shall at once forward such notice to the clerk of the town, city, or village in which such person claims a legal settlement. *In case such notice is not given within such ten days the same may be given by the county clerk at any other time, but in such case the county, town, village, or city so notified shall only be liable for the expense incurred by such county for the support of such person from and after the time of the giving of such notice.* The proper authorities of such town, city, village, or county in which such person claims a legal settlement, and until they shall do so, the proper authorities of the county in which such person may be, may take charge of such poor person and relieve him in such other manner as they deem proper. The county clerk of any county which may disallow a claim for expenses so incurred as aforesaid, or any part thereof, shall within ten days after such disallowance, notify in writing the county clerk of the county making such claim of the action of the county board thereon, and until such notice is received by such county clerk, the ninety days in which an appeal to the circuit court may be taken from such disallowance, as provided in section 683 of the statutes of 1898, shall not begin to run. The mailing within such ten days, by the proper officer, of any notice herein provided for, in the manner provided by section 2821 of the statutes of 1898, shall be a sufficient service of such notice.

Conflicting laws repealed. SECTION 2. All acts or parts of act in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its pasage and publication.

Approved May 22, 1905.

No. 721, A.] [Published May 24, 1905.

CHAPTER 223.

AN ACT to amend section 925—61 of the statutes of 1898, relating to the police court in cities of the third and fourth classes.

The people of the state of Wisconsin, represented in senate and assembly do enact as follows:

Effect of section; police justice. SECTION 1. Section 925—61 of the statutes of 1898, is hereby amended so as to read as follows: Section 925—61. In every city which shall adopt this chapter for its government and which shall at the time of such adoption have a court or judge, by whatsoever name or title such court or judge shall be called, having the jurisdiction herein conferred upon police courts, the jurisdiction and procedure of such court or judge shall continue unaffected by this chapter until such court or the office of such judge shall be abolished, and in the meantime no police justice shall be elected and no police court established in such city under this chapter. In every other city governed by this chapter a police justice shall be elected every fourth year as other city officers are elected; his term of office shall commence the first day of May succeeding his election and continue for four years and until his successor shall have qualified; provided, that in cities of the *third and* fourth classes the council may, by ordinance abolish the police court therein, and thereupon the jurisdiction herein conferred upon such court shall be exercised by the municipal court or courts of the city or county located in such city, if there be any such, and if there be none, then by the justices of the peace of the city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 745, A.] [Published May 24, 1905.

CHAPTER 224.

AN ACT relating to terms of court in the ninth, twelfth and fifteenth judicial circuits, and amendatory of section 2424 of the statutes of 1898, as amended by section 1 of chapter 27 of the laws of 1901, and chapter 6 of the laws of 1905.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ninth circuit. SECTION 1. The tenth paragraph of section 2424 of the statutes of 1898, as amended by chapter 6 of the laws of 1905, is hereby amended so as to read as follows:

Ninth Circuit:—In the county of Dane, on the second Mondya in January, the third Monday in March, the third Monday in May and the second Monday in October; in the county of Sauk, on the *third* Tuesday in April, the second Tuesday in September and the first Tuesday in December. No jury shall be summoned for the term to be held in the month of March in said county of Dane.

Twelfth circuit. SECTION 2. The thirteenth paragraph of section 2424 of the statutes of 1898, as amended by section 1 of chapter 27, of the laws of 1901, is hereby amended so as to read as follows:

Twelfth Circuit:—In the county of Jefferson on the first Monday in February, the second Monday in June and the third Monday in September; in the county of Green on the *fourth* Monday in March, the fourth Monday in June and the third Monday in October; in the county of Rock on the fourth Monday in February, the first Monday in June and the third Monday in November. No jury shall be summoned for either of the terms held in June.

Fifteenth circuit. SECTION 3. The sixteenth paragraph of section 2424 of the statutes of 1898, as amended by chapter 6 of the laws of 1905, is hereby amended so as to read as follows:

Fifteenth Circuit:—In the county of Ashland on the second Monday in April and the third Monday in September; in the county of Bayfield on the second Monday in May and the third Monday in October; in the county of Gates on the first Tuesday after July Fourth and the second Monday in December;

in the county of Iron on the second Monday in June and the *first Wednesday* in November; in the county of Price on * * * the first Tuesday after the first Monday in January and the first Wednesday after the third Monday in June; in the county of Sawyer on the first Monday in June and the *third* Monday in November; in the county of Taylor on the last Monday in March and the first *Tuesday* in September.

Conflicting laws repealed. SECTION 4. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 204, A.] [Published May 24, 1905.

CHAPTER 225.

AN ACT requiring persons platting lands into lots, blocks, streets, alleys, and public grounds, whereby any streets, alleys, or public grounds are dedicated or granted to the public to submit proposed plats to the common council of cities of the second, third and fourth classes and village boards for approval and providing for recording of such plats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Plat to be approved by council; recording. SECTION 1. Whenever lands in any of the cities of this state of the second, third and fourth classes and villages shall be divided into lots or blocks or where streets, alleys or public grounds shall be dedicated or granted to the public, the owner thereof shall, in platting such lands, cause the streets and alleys shown on the map thereof to be laid out and platted to the satisfaction of the common council of such cities or village boards, and shall submit such map thereto, and if it shall be approved, he shall cause it to be recorded within thirty days of the date of such approval together with the evidence of approval of the com-

mon council or village boards, which shall be a copy of the ordinance or resolution adopted by such common council, or village boards, certified to by the city clerk, and affixed to such map. Any map of such lands not so approved or not accompanied by such evidence of its approval or which shall not be offered for record, on or before sixty days after the date of such resolution, shall not be recorded or received for the purpose of being recorded and shall have no validity. Any person who shall plat any such land without submitting the map thereof to such common council or village board, or who shall fail or neglect to present the same for record within the time therein prescribed, after its approval, with fradulent intent, shall forfeit not more than $100 and any register of deeds who shall wilfully record any such map without the evidence of its approval by the common council or village board attached thereto, as herein provided, or after sixty days from the date of the approval thereof, shall forfeit not more than $100.00. All forfeitures incurred under this section shall be sued for and recovered in the name of such cities or villages.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 216, A.] [Published May 24, 1905.

CHAPTER 226.

AN ACT to deprive a parent, in certain cases, of his right to the earnings of his minor child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When earnings of minor shall be his sole property. SECTION 1. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 2344a. During any time when, by reason of abandonment, drunkenness or profligacy, a parent of a minor shall neglect or refuse to provide for his support, or for his support and edu-

cation, the earnings of such minor shall be his sole property as against such parent or any creditor of such parent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 237, A.] [Published May 24, 1905.

CHAPTER 227.

AN ACT to amend section 3187a of the statutes of 1898, as amended by chapter 121 of the laws of 1901, relating to real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Filing notice in proceedings to take land for highways, etc. SECTION 1. Section 3187a of the statutes of 1898, as amended by chapter 121 of the laws of 1901, is hereby amended so as to read as follows: Section 3187a. Every person who makes an application to any court, county board, common council, or village board for laying out, widening, vacating or extending any street, alley, water channel, park, highway or other public place shall, at or prior to the time of filing the same with the proper officer, file a notice of the pendency of such application, containing his name and a brief statement of the object thereof and a map and description of the land to be affected thereby in the office of the register of deeds of each county in which any such land is situated. Neglect to comply with these provisions shall render all proceedings based upon such application void, *but no order vacating, or proceedings for the vacation of, any street, alley, water channel, park, highway or other public place, heretofore made or had, shall be void solely by reason of the failure to file such notice of the pendency of such application, map and description.* No final order, judgment or decree or final resolution or order taking or affecting such land, based upon any application therefor, shall have any effect or be notice to any subsequent purchaser or incumbrancer unless

a certified copy thereof, giving a full and accurate description of the land affected thereby, and accompanied with a map showing the location thereof, be recorded in the office of the register of deeds of the county in which the land is situated. *A resolution or order* made by any such body, whereby any land shall be taken or affected without an application having been made therefor, shall have no effect and shall not be notice to any subsequent purchaser or incumbrancer unless such resolution or order be recorded.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 22, 1905.

No. 248, A.] [Published May 24, 1905.

CHAPTER 228.

AN ACT relating to the manufacture or sale of lemon extract and vanilla extract.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Manufacture or sale of adulterated extracts. SECTION 1. Any person who shall manufacture for sale, sell, or offer or expose for sale or have in his possession with intent to sell as and for lemon extract, or extract of lemon, or essence of lemon, or lemon essence, or spirits of lemon, or under any designation which includes any of the aforesaid names any preparation other than a solution containing not less than five percentum, by volume, of pure lemon oil in ethyl alcohol; or any person who shall manufacture for sale, sell, or offer or expose for sale or have in his possession with intent to sell as and for vanilla extract, or extract of vanilla, or tincture of vanilla, or vanilla tincture, or under any designation which includes any of the aforesaid names any preparation which shall contain any flavoring or coloring ingredient other than those derived from pure vanilla bean, shall forfeit to the state of Wisconsin the sum of not less than twenty-five dollars nor more than one hun-

dred dollars. Providing nothing in this act shall prohibit the manufacture of the above specified articles for sale and shipment without the state.

SECTION 2. This act shall take effect and be in force from and after January 1, 1906.

Approved May 22, 1905.

No. 287, A.] [Published May 24, 1905.

CHAPTER 229.

AN ACT relating to the sale of adulterated honey, and repealing section 4607f of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of adulterated honey prohibited. SECTION 1. No person shall, himself, or by his agent or servant, sell, offer or expose for sale or have in his possession with intent to sell as and for honey any substance whatsoever that is not the legitimate and exclusive product of the honey bee, to-wit, the nectar of flowers, honey dew and natural saccharine exudations of plants gathered and stored in the comb by bees.

Penalty. SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than sixty days.

Statute repealed. SECTION 3. Section 4607f of the statutes of 1898 is hereby repealed.

SECTION 4. This act shall take effect and be in force on and after October 1st, 1905.

Approved May 22, 1905.

No. 349, A.] [Published May 24, 1905.

CHAPTER 230.

AN ACT to amend section 1551 of the statutes of 1898, relating to excise and the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Complaint; warrant; duty of justice; destruction of liquors; storage of pending appeal. SECTION 1. Section 1551 of the statutes of 1898, as amended by chapter 194 of the laws of 1899, and by chapter 113 of the laws of 1901 and by chapter 440 laws of 1903 is hereby amended so as to read as follows: "Section 1551. Upon complaint made to any justice of the peace, by any person that he knows or has good reason to believe, that an offense against any law of this state, relating to excise or the sale of intoxicating liquors, or any violation thereof has been committed, he shall examine the complainant on oath, and the witnesses produced by him and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant, reciting therein the substance of such complaint and requiring the officer to whom such warrant shall be directed, forthwith to arrest the accused and bring him before such justice, to be dealt with according to law: and in the same warrant may require the officer to summon such persons as shall be named therein, to appear at the trial to give evidence. Or upon complaint made to any justice of the peace by any person that he knows or has good reason to believe that an offense under section 1550 or 1565c statutes of 1898, has been committed by any person on any particular premises or place, he shall examine such complainant on oath, reduce his complaint to writing, describing therein as particularly as may be, the premises on which the offense complained of was committed, and cause the same to be subscribed by the person complaining. If it appear to such justice that there is probable cause to believe that there has been such offense committed on said premises he shall immediately issue his warrant, reciting therein the substance of the complaint, and containing a description of the premises described therein, and requiring the officer to whom it

shall be directed forthwith to search such premises and seize any liquors on said premises which he believes are intoxicating, and to arrest the accused and bring him before such justice, to be dealt with according to law, and to produce, to be used in evidence on the examination and trial of the accused, the liquors so seized, or such portion thereof as the court or district attorney may direct. The officer executing such warrant shall state in his return, as particularly as may be, the kinds and quantities of liquors seized and keep the same in his custody, until said action is finally determined. *If, upon the trial of the defendant he shall be convicted of the offense described in sections 1550 and 1565c, the court shall enter an order directing the officer so having such liquors in his possession to publicly destroy the same within twenty-four hours, unless during that time the defendant shall serve a notice on such officer that he intends to appeal from such judgment of conviction, as in such cases provided to the circuit or the supreme court, as the case may be. In case such notice is served and the original with proof of service is filed during said time by the defendant wth the justice or court, such justice or court shall make such order as may be necessary for the preservation and storage of such liquors pending such appeal, and such further order as may be proper on the final determination or dismissal of such appeal. If the defendant shall be acquitted, such order shall direct said officer to return the liquors so seized, to such defendant. Costs for the taking, removal, and care of such liquors shall be allowed by the court, as shall be deemed reasonable, against the losing party, and shall be added to and become a part of the statutory costs in such action either at the time of entering judgment or at the time of making the final order as aforesaid.*"

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 588, A.] [Published May 24, 1905.

CHAPTER 231.

AN ACT to add four new sections to chapter 27, of the statutes of 1898, to be designated and numbered 458-i, 458-j, 458-k, and 458-l, relating to teachers certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Four new sections to be known as sections 458-i, 458-j, 458-k, and 458-l are hereby added to and made a part of chapter 27, of the statutes of 1898, reading as follows:

Countersigning diplomas; state certificates. Section 458-i. The state superintendent is authorized and empowered to countersign diplomas and issue state certificates to persons who are engaged in supervising work in the public schools or teaching in colleges or normal schools, otherwise legally qualified under existing statutes or are recommended by the state board of examiners.

Special license. Section 458-j. The state superintendent may issue a special license good only until the next meeting of the state board of examiners in cases where the applicant gives satisfactory evidence that his qualifications and credentials shall meet the requirements of the board of examiners; said temporary license to be issued only in urgent cases and in order that the school board, or board of education may be legally authorized to pay the salary of said teacher from the funds of the district for services rendered.

Special certificate. Section 458-k. The state superintendent may upon the recommendation of the state board of examiners, grant a special certificate legally qualifying the holder to teach such special branch or branches in the public schools as may be named on the face of the certificate.

Limited special certificate. Section 458-l. Upon the recommendation of the state board of examiners an applicant may be granted a limited special certificate qualifying him to teach not more than one special branch in the public schools, said certificate being limited to one particular school or district to be named in the certificate, said certificate to be null and void in any other school or district.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 615, A.] [Published May 24, 1905.

CHAPTER 232.

AN ACT relating to the allowance of the accounts of executors and administrators.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment of claims not filed or allowed against estate. SECTION 1. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 3030a. In all cases where an executor or administrator shall or may have paid in good faith any debts or claims against the estate which he represents, without the same having been duly filed, approved or allowed as required by law and his final account has not yet been settled, such payments may be allowed by the court having jurisdiction of the matter, upon proof satisfactory to said court, that said debts or claims were just and existing demands against said estate at the time of payment and were paid within the time limited by law for the presentation of claims. Provided, that the notice of the application for the allowance of such final account shall state that application will be made for such allowance, and such notice shall be served personally or by mail upon all heirs or legatees who are of age and upon the guardian ad litem of all minors or incompetent persons interested in such estate at least twenty days before the day of hearing. Provided, that no payments shall be allowed except on a pro rata basis with other claims when the estate is insolvent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 695, A.] [Published May 24, 1905.

CHAPTER 233.

AN ACT relating to cities and fixing terms of certain city officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of certain city officers. SECTION 1. In cities of the second, third and fourth classes, the terms of office of all city officers hereafter chosen by the electors, except aldermen of cities governed by special charter, shall be two years; and also except supervisors, who shall be elected annually, and their term of office shall be for one year, unless otherwise provided for in cities operating under special charters, provided this act shall not affect the term of office of any city officer which exceeds two years.

Laws repealed. SECTION 2. Chapter 443 of the laws of 1901, and chapter 28 of the laws of 1903 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 716, A.] [Published May 24, 1905.

CHAPTER 234.

AN ACT amending chapter 134 of the statutes of 1898 by adding thereto five new sections, to be numbered 3153a, 3153b, 3153c, 3153d and 3153e, respectively, relating to the partition and defining of riparian rights and water frontage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Determination of riparian rights. SECTION 1. Chapter 134 of the statutes of 1898 is hereby amended by adding at the end of said chapter, immediately after section 3153, five new sections, which shall be known and read as follows: Section 3153a. In case of disagreement between owners of or parties interested in the land on a shore, concerning their rights or interests in the water frontage and riparian rights in any river, lake, harbor or bay, and the right to the use of such waters and the construction of docks therein, any one or more of such owners, whether the same are owned separately, jointly or as tenants in common, may bring an action in the circuit court as hereinafter provided, for a determination of any or all matters of disagreement as to riparian rights or water frontage, and for a determination in said action of the respective riparian right boundaries, and the amount of water frontage each owner is equitably and justly entitled to, and all owners of other lots along said shore that have water frontage and riparian rights, may join as plaintiffs or be made parties defendant to said action.

Action how brought; other owners may be made defendants. Section 3153b. Such action shall be brought, and the persons parties thereto shall be served with process therein as in proceedings under this chapter for the partition of lands, and when so served or having so appeared, upon its being shown to be necessary or expedient in order to determine the rights of parties, the court may by order, bring in other owners of lands and parties, and make them defendants to said action.

Court may appoint commissioners to determine rights; report of commissioners. Section 3153c. The court may by or-

der appoint one or more commissioners and empower and direct them to examine and inquire into and ascertain the respective rights of the parties, to water frontage and riparian boundaries. Said commissioners shall, before entering upon their duties, take and file in said court an oath to faithfully perform their duties as such, and shall proceed with reasonable dispatch to investigate the matters referred to them by such order, and take all competent and pertinent evidence offered by any parties to the action, touching upon such matters, such evidence to be taken upon notice given to all parties to the suit as in ordinary cases of trial by referee, and shall determine the rights of the parties, the water frontage, the riparian rights and lines, and locate the respective boundaries and lines between said shore owners from the shore to the established dock line, or termination of riparian right, and shall report their determination with all the facts and a full statement of the evidence taken by them, to the court, which report shall be deemed advisory to the court, and have no other force or effect.

Judgment; continuance of commissioners; re-examination; jury; review by supreme court; plat. Section 3153d. Upon the giving in of the report of such commissioners and upon hearing the parties, the court before which the proceedings are pending shall make such order and enter such judgment as the respective rights of the party shall require, confirming or modifying the determination of such commissioners, or for the purpose of more fully determining the rights of such parties may continue such commissioners, and upon reasonable notice on the application of other parties interested, order a re-examination of any of the matters complained of, or the examination of any new matter, and from time to time modify its judgment until the rights of the parties and the manner of exercising the same, shall be fully settled and defined. Any issue of fact in any such action, properly triable by jury, may be tried by jury with the like effect as in other cases, and any judgment or order therein within the class of appealable orders, may be reviewed by the supreme court, and the rules in equity actions are made applicable hereto. In its judgment the court may order a plat to be made, showing its final determination on said matter, and the same may be filed with a copy of said decree in the office of the register of deeds of the county in which the property is located, and said decree and plat shall have the same force and effect as other decrees and judgments of said court.

Payment of commissioners and other costs. Section 3153e. The court before which such proceedings are pending may in its discretion from time to time make such orders as may be necessary for the payment of the commissioners herein provided for, and the other costs and disbursements therein, and may apportion the same among the respective owners in ratio of their respective interests.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 342, A.] [Published May 24, 1905.

CHAPTER 235.

AN ACT to authorize cities of the first class to levy taxes for the general city and other funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Levies authorized; aggregate amount of all general taxes levied. SECTION 1. The common council of every city of the first class, whether operating under general or special charter, is hereby authorized and shall have power to levy annually, for the general city fund, exclusive of the amounts required for the support of schools, and for the payment of interest and principal on the funded debt of the city, and other special funds authorized by law, a sum not exceeding seven mills on the dollar of the total assessed valuation of all property, real and personal, in said city subject to taxation; also for contingent fund a sum not exceeding one-half of one mill on the dollar of such assessed valuation; also for a sewerage fund in each sewerage district, a sum not exceeding one and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such sewerage fund for said city, a sum not exceeding one mill upon the dollar of the total assessed valuation of property, real and personal, in said city, subject to taxation; also for a fund for ward purposes in each ward, a further sum not exceeding six mills upon the dollar of the total assessed

valuation of all property, real and personal, in such ward, subject to taxation; and also for the support of all the public schools in said city, including the high school, for the next fiscal year, a further sum not exceeding three and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in said city subject to taxation; provided, however, whenever the comptroller and board of public works, to meet current and necessary ward expenses, shall deem it necessary or expedient for the common council to levy a larger amount than six mills upon the dollar as aforesaid in any ward for a ward fund as aforesaid, and shall certify to the common council on or before the first day of July in any year, it shall be competent for the common council to levy for a ward as aforesaid, and shall so certify to the common council on or before the first day of July in any year, it shall be competent for the common council to levy for a ward fund in any such ward, in any such year, a percentage upon the dollar of the total assessed valuation of all property, real and personal, in such ward subject to taxation, not exceeding ten mills, provided, also, that the percentage which shall be levied in each ward for ward purposes shall in no case exceed the amount estimated and required by the comptroller and board of public works; and, provided further, that the aggregate amount of general taxes for all purposes levied by the common council and collected upon the city tax roll for municipal purposes under this section inclusive of taxes, for the support of the public library and the public museum and for the payment of principal and interest of the funded debt of the city, but not inclusive of the tax for the support of schools, shall not, in the whole, for any one year, exceed fourteen (14) mills on the dollar of the total valuation of property, real and personal, in said city subject to taxation; provided, however, that nothing herein shall be construed as modifying, superceding or repealing chapter 58 of the laws of 1899 or chapter 130 of the laws of 1901.

Conflicting laws repealed. SECTION 2. All acts or parts of acts contravening the provisions of this act, including the provisions of any special charter are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 22, 1905.

No. 723, A.] [Published May 24, 1905.

CHAPTER 236.

AN ACT to require records to be kept and statements made relative to mining operations in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lessee of mine to make monthly statement to lessor. SECTION 1. When there shall be no agreement between the parties to any mining lease, license or permit, to mine or remove ore from any lands in this state, regulating the method of reporting the amount of ore taken, it shall be the duty of the person, firm or corporation mining and removing such ore or ores, to keep proper and correct books, and therefrom to make and deliver by or before the fifteenth day of each month to the lessor, owner or person entitled thereto, a detailed statement covering the operations of the preceding month. Such statement shall show the total amount of tons or pounds of each kind of ore produced; if sold, then to whom sold, giving the date of sale, date of delivery to any railroad company, naming such company, and the station where delivered or billed for shipment; the name and address of the purchaser; the price per ton at which sold and the total value of each kind of ore so sold. Such books shall be always open to any owner, lessor, licensor or stockholder, if such owner, lessor, or licensor is a corporation, and to any person or stockholder interested in any such mining operations, for the purpose of inspection and taking copies thereof or abstracts therefrom.

Penalty. SECTION 2. Any person, firm, joint stock company or corporation, and every officer, agent or employee of any thereof, who shall violate any of the provisions of this act, or who shall make any false or incomplete entries on any such books or statements, shall, upon conviction, thereof, be punished by a fine of not less than one hundred dollars ($100.00), or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1905.

No. 86, S.] [Published May 25, 1905.

CHAPTER 237.

AN ACT to amend sections 4102, and 4112 of the statutes of 1898 relating to the taking of depositions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When and by whom taken; notice. SECTION 1. Section 4102 of the statutes of 1898 is hereby amended so as to read as follows: Section 4102. Such deposition may be taken, within the territory within which he is authorized to act, by a justice of the peace, notary public, court commissioner or other person authorized by law to take depositions at any time after the action or proceeding is commenced or after a submission to arbitration. Notice in writing shall be given to the adverse party, his attorney or agent, that the deposition of the witness or witnesses named will be taken before the officer, naming him, at a time and place appointed therein, for one of the causes mentioned in the preceding section; * * * *and three day's notice shall be given of the taking of such deposition whether taken within or without the state and additional time at the rate of one day for each three hundred miles or fraction thereof after the first ten miles from the place where the notice is served;* provided, that one day's notice shall be sufficient to authorize the taking of depositions of additional witnesses desired to be examined, given during the course of the taking of any deposition where the parties on each side appear. In case the officer before whom the deposition is noticed for being taken shall not appear or attend at the time and place noticed for taking the same, the deposition may be taken before any other officer authorized by law to take depositions, *said officer to be designated by the party having served the notice of taking deposition and notice of such designation given the opposite party, giving him sufficient time to attend before such officer so designated.* But in any action or proceeding in any court, no notice of taking a deposition need be given to a defendant who, having been duly served with process, shall not have appeared, if the time limited by law *thereunder* shall have expired.

Section 4112 amended. SECTION 2. Section 4112 of the statutes of 1898 is hereby amended by striking out the words

"except that the notice of taking the same shall be given at least ten days," where they occur at the end of said section.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1905.

No. 258, S.] [Published May 25, 1905.

CHAPTER 238.

AN ACT to appropriate a certain sum of money for the purchase of stationery for the use of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of ten thousand dollars, for the purchase of stationery for the state officers, and departments, for the year 1905 and 1906 and for the legislative session of 1907, said sum being the amount estimated to be necessary for the purposes specified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 24, 1905.

No. 312, S.] [Published May 25, 1905.

CHAPTER 239.

AN ACT to amend section 762 of the statutes of 1898, and to provide for a system of tract indices in the office of the register of deeds in counties of two hundred and fifty thousand or more population, and to provide for reports by county officers to the register of deeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

System of tract indices in certain counties. SECTION 1. *Section 762 of the statutes of 1898 is hereby amended by adding thereto the following: In any county which has a population of two hundred and fifty thousand or more according to the last state or United States census, the county board of supervisors may, by resolution, adopt a more complete system of tract indices than above specified, or a system of chain of title indices, provided such system be clearly specified in such resolution; in the event of such adoption, said board of supervisors may contract, with any suitable person, to compile and complete such system of indices, and may levy such taxes as may be required to cover the cost of so doing; said register of deeds shall not be required to compile, install or complete such system of indices, but shall after the same be so completed under such contract of said board of supervisors, thereafter maintain and keep up the same; and, thereafter, shall discontinue all other tract indices theretofore in use or maintained.*

Daily report by county officers to register of deeds. SECTION 2. *In the event of the adoption of any such system of tract indices, or of any such system of chain of title indices, by such county board of supervisors, by such resolution, if such resolution shall provide that any such index shall include an abstract or notation of any proceeding or proceedings pending, or of any instruments or documents filed or entered in the office of the clerk of any court of such county, or of the county court, or of a register of probate, or of any sales for taxes made by any officer of said county, or of any city in said county, and shall call for a daily report to be made to the register of deeds of said county by any officer in charge of any such office of any such proceedings, instruments or documents or tax sales, each such*

office so called upon by said resolution to make such daily report, shall, upon the close of business on each day report, in writing, under his hand, to said register of deeds, any and all proceedings, instruments and documents, and tax sales, so-called for by such resolution, and said register shall, when required to maintain and keep up such system of indices, note all such proceedings, instruments and documents, and tax sales upon such indices, in accordance with such resolution.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 24, 1905.

No. 498, S.] [Published May 25, 1905.

CHAPTER 240.

AN ACT relating to villages and cities specially incorporated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When city or village to take fee simple title to lands condemned. SECTION 1. Whenever any village or city specially incorporated except cities of the first class shall exercise power to condemn lands for streets, alleys, public grounds, parks, cemeteries, sites for schools and other public buildings and lands to be used for the purpose of drainage and water distribution and other public municipal purposes not herein enumerated, the village or city shall take a fee simple title to such land for public grounds, sites for schools or other public buildings, and in all other cases the fee shall remain in the owner, his heirs and assigns, and the village or city shall take by the condemnation only such an interest as shall be necessary and convenient for the uses and purposes for which the land is condemned.

Act to apply to what proceedings. SECTION 2. This act shall apply to pending proceedings as well as proceedings hereafter instituted and shall be in force from and after its passage and publication.

Approved May 24, 1905.

No. 370, S.] [Published May 25, 1905.

CHAPTER 241.

AN ACT relating to the state superintendent of public instruction and amendatory of section 6 of chapter 37, of the laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Publications. SECTION 1. Section 6 of chapter 37, laws of 1903, is hereby amended to read as follows: Section 6. To revise, codify and edit the school laws from time to time, as circumstances may make necessary, and by lectures, circulars, correspondence and public addresses, give the public information bearing upon the different *methods* of school organization and management provided by law in this state; to prescribe rules and regulations for the management of *township and* school district libraries, and the penalties which may be imposed *upon district and town officers* for any violation thereof; to prepare for the use of school officers suitable forms for making reports *and suitable outlines as aids* in conducting annual and special meetings; to prepare and publish from time to time, as occasion may require courses of study for ungraded, state graded, and free high schools, *and day schools for the deaf,* with such comments and instructions as may be deemed essential for an intelligent understanding thereof; * * * to compile, edit and distribute to the schools annually in pamphlet form matter adapted to and suitable for the intelligent observance of arbor and bird day, and memorial day; *to provide the subject matter and statistics necessary for the printing of all reports, pamphlets, and circulars published for any and all these purposes, and to furnish suitable material in the form of printed catalogue cards to enable teachers and pupils to make an intelligent use of the township school libraries,* all such printing to be done by the state printer at the expense of the state.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1905.

No. 456, S.] [Published May 25, 1905.

CHAPTER 242.

AN ACT to facilitate the settlement of estates, the execution of trusts, and to define the practice in county courts, and to amend section 3803 of the statutes of 1898, and add a new section to be known as section 3803a.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Removal of. SECTION 1. Section 3803 of the statutes of 1898 is hereby amended so as to read as follows: Section 3803. If an *executor*, administrator, *guardian or trustee* shall reside out of this state, or shall neglect * * * to render his account *within the time provided by law or the order of the court*, or shall neglect to settle the estate according to law, or to perform any judgment *or order* of the court, or shall abscond, or become insane or otherwise incapable or unsuitable to discharge the trust the county court may, *of its own motion*, remove such executor, administrator, *guardian or trustee and appoint a successor therefor.*

Order to show cause; service of. SECTION 2. There is hereby added to the statutes of 1898 a section to be known as section 3803a and to read as follows: Section 3803a. Before any executor, administrator, guardian or trustee shall be removed under the provisions of the last preceding section, the county court shall cite such executor, administrator, guardian or trustee to appear before it at some designated general or special term and show cause, if any he have, why he should not be removed from his said trust and a successor appointed. If such executor, administrator, guardian or trustee can be found within the county where the court is held such citation shall be personally served upon him, but if not, it shall be served by mailing a copy thereof to him at his last post office address, when such address can be ascertained. Every such citation not so personally served shall also be published once a week for three successive weeks before the day of hearing in some newspaper published in the county and shall specify the time and place of hearing. Upon the hearing the court may, of its own

motion, remove such executor, administrator, guardian or trustee and without any other or further notice appoint a successor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1905.

No. 460, S.] [Published May 25, 1905.

CHAPTER 243.

AN ACT to provide for a committee of three persons, whose duty it shall be to secure bids from and make contracts with some responsible dealer or firm for the purpose of securing prompt and efficient service in supplying books and periodicals to the schools of the state, as provided in section 486a, statutes of 1898, as amended by chapter 272, laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Committee; duties of. SECTION 1. The state superintendent of public instruction, the secretary of the Wisconsin Free Library commission and the attorney-general are hereby constituted a committee whose duty it shall be to secure bids and make contracts with some responsible dealer or firm for the purpose of securing prompt and efficient service in supplying books and periodicals to the schools of the state under the provisions of the township library law.

Dealers to be furnished with list of township library books. SECTION 2. Whenever the list of books for township libraries prepared by the state superintendent under section 486a, statutes of 1898, is completed, typewritten copies thereof shall be furnished to dealers or firms making applications therefor. The committee shall enclose with each copy of the list so sent out a clear and complete statement of the conditions under which the books and periodicals are to be supplied; the date on which the

bids must be placed on file and opened and give such other information as may be necessary to insure a clear and unquestionable understanding on the part of all parties concerned.

Bidder required to make deposit. SECTION 3. The committee shall require from each dealer or firm making a bid a deposit of $1,000 with the state treasurer as an evidence of good faith, said sum to be returned as soon as the successful bidder is determined, provided that the sum deposited by the successful bidder shall not be returned until the bond required by the committee conditioning a faithful performance of the terms of the contract is filed with the secretary of state. In case the successful bidder shall fail or refuse to file the bond required by the contract the $1,000 deposited with the state treasurer shall become forfeit to the state and there shall be no recovery thereof.

Bond of successful bidder. SECTION 4. The committee shall require a bond from the successful bidder in the penal sum of $10,000 with good and responsible sureties for the faithful and reasonable performance of the terms of the contract, said sum to become forfeit to the state in case of failure.

Notice to officers who purchase books. SECTION 5. As soon as the successful bidder has been determined, all officers upon whom shall fall the duty of purchasing the books for township school libraries shall be notified in a circular setting forth the conditions under which the books are to be furnished, the name and address of the successful bidder and a statement to the effect that no money withheld from the common school apportionment for the purchase of township library books shall be used in the purchase of books or periodicals from any other dealer or firm.

Purchase from dealer other than dealer named in contract a misdemeanor. SECTION 6. After a contract has been entered into by the committee on the part of the state it shall be deemed a misdemeanor punishable by fine to the amount of costs and the money expended, for any person or officer authorized by law, to make a purchase of books for township libraries with money withheld from the annual apportionment of the school fund income from any dealer or firm other than the dealer or firm named in the contract.

Conflicting laws repealed. SECTION 7. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 24, 1905.

No. 500, S.] [Published May 25, 1905.

CHAPTER 244.

AN ACT to amend chapter 63 of the laws of 1895, entitled "An act to create a municipal court for Oneida county," and to repeal chapter 44 of the laws of 1897 and chapter 115 of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction and powers of judge; official designation of judge. SECTION 1. Section 6 of chapter 63 of the laws of the state of Wisconsin for the year 1895 entitled "An act to create a municipal court for the county of Oneida" is hereby amended so that said section when so amended shall read as follows: Section 6. The municipal judge of the county of Oneida shall have cognizance of, and jurisdiction to hear, try, and determine all actions and proceedings at law, wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars, actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars. Said municipal judge shall have and exercise within said county the criminal jurisdiction of justices of the peace in the state of Wisconsin, *and such criminal jurisdiction shall be exclusive within said county*, and none of the justices of the peace within said county shall have or exercise any criminal jurisdiction whatever, *except in cases of felony any such justice of the peace may upon complaint issue a warrant for the apprehension of such alleged felon, which warrant shall be made returnable before said municipal judge and all proceedings sub-*

sequent to the issuing of such warrant shall be had before such municipal judge, and the complaint upon which such warrant is issued shall forthwith be transmitted by the justice of the peace issuing such warrant to said municipal judge and filed in his office. Said judge shall further have all the jurisdiction, authority, powers and rights, given by law to justices of the peace, and shall be subject to the same prohibitions and penalties as justices of the peace. The proceedings and practice, of said court shall, in all respects be governed as far as practicable, by the laws relating to justices' courts of this state, and transcripts of the judgments of the municipal court may be filed and docketed with the clerk of the circuit court for said county, with the same effect as transcripts of judgments rendered by justices of the peace of said county may be, and appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as are provided by law from courts of justices of the peace. Nothing herein contained shall be construed to give said municipal judge cognizance of any actions mentioned in subdivisions 1, 2, and 3, of section 3573 of chapter 154 of the revised statutes. *The municipal judge of Oneida county shall have and may exercise in his county, all the powers and perform all the duties of a court commissioner as defined in section 2434, of the revised statutes, and every authority granted to, or limitation of the powers of a court commissioner by the laws of Wisconsin, shall be construed to extend to said municipal judge, acting in such capacity, except when otherwise expressly provided. The official designation of said officer in matters wherein he shall so act, shall be municipal judge of Oneida county.*

Laws repealed. SECTION 2. Chapter 44 of the laws of Wisconsin for the year 1897, and chapter 115 of the laws of Wisconsin for the year 1901 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 23, 1905.

No. 559, A.] [Published May 26, 1905.

CHAPTER 245.

AN ACT to provide for lighting the executive residence from the lighting plant in the state capitol, and appropriating a sum of money therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Executive residence to be lighted from capitol plant; appropriation. SECTION 1. The superintendent of public property is hereby authorized and directed to furnish and equip the executive residence with suitable electric light fixtures and to connect the same with wires, either in conduits under ground or strung upon poles, with the electric lighting plant in the state capitol and to make all necessary arrangements for lighting the executive residence from such electric lighting plant in the state capitol. There is hereby appropriated out of any money in the state treasury not otherwise appropriated a sum of money sufficient to defray the expense thereof, not exceeding the sum of one thousand dollars. All expenses under this act shall be audited, upon proper vouchers duly certified by the superintendent of public property, and paid out of the money herein appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 547, A.] [Published May 26, 1905.

CHAPTER 246.

AN ACT to give certain powers to city truancy officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of truant officers. SECTION 1. Any truant officer within this state shall have power to visit factories, workshops, mercantile establishments and other places of employment in their respective localities and ascertain whether any minors are empolyed therein contrary to law. They may require that the age and school certificates and lists of minors who are employed in such factories, workshops, mercantile establishments and other places of employment, shall be produced for their inspection, and they shall report all cases of such illegal employment to the school authorities of their respective cities, towns, villages or districts and to the commissioner of labor, state factory inspector or any assistant factory inspector. Such truant officer shall receive no compensation from the state for performing such services.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 467, A.] [Published May 26, 1905.

CHAPTER 247.

AN ACT to regulate the manufacture and sale of condensed milk, and of evaporated or condensed cream.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Standard of condensed milk. SECTION 1. No person shall manufacture for sale within this state, or offer or expose for sale, have in his possession with intent to sell, or sell or exchange, any condenced milk, sweetened or unsweetened, unless the same shall contain not less than twenty-eight percentum, by weight, of milk solids, of which not less than one-fourth shall be milk fat.

Standard of evaporated cream. SECTION 2. No person shall manufacture for sale within this state, or offer or expose for sale, have in his possession with intent to sell, or sell or exchange, as and for evaporated or condensed cream, any substance except the product obtained by the evaporation of a portion of water from cream containing not less than eighteen percentum, by weight, of butter fat. Provided, that nothing in this act shall apply to goods manufactured for sale and shipment outside of the state.

Penalty. SECTION 3. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than sixty days.

SECTION 4. This act shall take effect and be in force from and after January 1st, 1906.

Approved May 25, 1905.

No. 462, A.] [Published May 26, 1905.

CHAPTER 248.

AN ACT to amend chapter 222, of the laws of 1903, relating to certificates for primary teachers in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Examination of primary grade teachers, how waived. SECTION 1. Chapter 222 of the laws of 1903, relating to certificates for primary teachers is hereby amended so as to read as follows: *Section 1.* All teachers of primary grades only (and the words "primary grades" shall be construed to include nothing beyond the first four years work, in schools working under a course of study requiring at least eight years for its completion) who now hold or may hereafter obtain certificates from the proper authorities may receive new certificates without further examination from the superintendent of any superintendent district under the following limitations and conditions:*

1. Any teacher availing herself of the privileges granted by this chapter shall submit to the county, district or city superintendent, as the case may demand, satisfactory evidence of having taught successfully for at least forty months in the public schools of this state in five consecutive years, the last three years of which shall have been devoted exclusively to primary work and during which she shall have taught at least eight months each year.

2. If such teacher is the holder of a third grade certificate, the conditions named in sub-division one shall be complied with, and at least two consecutive weeks of attendance upon and regular work done in some school or in some department of some school specially organized for the purpose of giving instruction and training in primary methods of teaching are demanded in addition thereto. A certificate of attendance and work done by said school or department signed by the director or principal officer of such school shall be made a part of the statement made by the applicant to the superintendent for the new certificate.

3. If such teacher shall be the holder of a certificate of the second grade, the conditions named in sub-divisions one and two

*Entire section rewritten.

must be complied with during the year immediately preceding the application made for a renewal.

4. If such teacher shall be the holder of a first grade certificate or of a countersigned free high school diploma, the provisions of sub-divisions one, two and three must be complied with.

5. If such teacher shall be the holder of a certificate granted on graduation from the elementary course of a Wisconsin state normal school, the conditions in subdivisions one, two and three must be complied with, and the final standings taken in the normal school course shall also be filed with the superintendent and used by him in lieu of standings taken in public examination.

6. If such teacher is the holder of a certificate of graduation from a county training school for teachers, the conditions prescribed in subdivision two shall be complied with.

7. The superintendent is hereby prohibited from granting any application for renewal of any certificate under the provisions of this chapter if said certificate shall at the time be in force and effect for a period of more than six months.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 359, A.] [Published May 26, 1905.

CHAPTER 249.

AN ACT providing for the distribution of the supreme court reports and public documents for institutions, and to amend section 351 of the statutes of 1898 and section 357 of the statutes of 1898 as amended by chapter 334 of the laws of 1901, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Documents for institutions, etc. SECTION 1. Section 351 of the statutes of 1898 is hereby amended so as to read as follows:

Section 351. There shall be delivered to the several state institutions, state university and normal schools, and also to each college, incorporated academy and literary institution of this state having a library of three hundred volumes, and to every established public library containing one thousand volumes or more, upon application being made therefor, one copy each of all documents published by the state. The several state officers shall be furnished at all times with such documents belonging to the state as may be necessary or convenient for the business of their respective offices. *There shall also be delivered to the library of the college of law and the university of Wisconsin ten copies of the senate and assembly journals and of the laws enacted at each regular and special session of the legislature.*

Distribution of court reports. SECTION 2. Section 357 of the statutes of 1898 as amended by chapter 334 of the laws of 1901, is hereby amended so as to read as follows: Section 357. The supreme court reports obtained in pursuance of section 347b or purchased by the superintendent of public property pursuant to law shall be distributed as follows: To each of the justices of the supreme court, of the judges of the United States courts in this state, to each judge of a court of record in this state, *municipal courts excepted,* to each clerk of the circuit court, and to each of the clerks of the county and municipal courts of the county and city of Milwaukee, to the supreme court reporter, * * * and to the Milwaukee law library association, and also to every established public *or incorporated college* library containing five thousand volumes or more, application being made therefor, one copy; *and to the library of the college of law of the university of Wisconsin, ten copies.* The remaining copies so obtained or purchased shall be delivered to the state librarian, who shall stamp and keep in the library as many copies as may be necessary, make the exchanges authorized by law, and safely keep the remainder until required for further distribution.

Court reports and statutes for university law school. SECTION 3. The superintendent of public property is hereby directed to deliver to the library of the college of law of the university of Wisconsin, ten sets of the official Wisconsin reports and ten copies of the statutes of 1898 and of the laws since that time enacted.

Appropriation. SECTION 4. There is hereby appropriated from the general fund a sum sufficient to carry out the purposes of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 302, A.] [Published May 26, 1905.

CHAPTER 250.

AN ACT to amend sections 2, 3, and 4 of chapter 257 of the laws of 1901, entitled, "An act providing for the furnishing and use of safe scaffolding, hoists, stays, ladders or other mechanical devices used in the construction of a building and providing a penalty for the violation thereof," and by adding a new section thereto to be known as section 3a.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Complaints; power and duty of factory inspectors. SECTION 1. Section 2 of chapter 257 of the laws of 1901, is hereby amended so as to read, when so amended, as follows: Section 2. Whenever complaint is made to the *commissioner of labor, state factory inspector, any assistant factory inspector, or the chief officer charged with the enforcement of the building laws in the city where the work is being performed,* that the scaffolding, slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationery scaffolding used in the construction, alteration, repairing, cleaning or painting of buildings, * * * are unsafe or liable to prove dangerous to the life or limb of a person, such *commissioner of labor, state factory inspector, any assistant factory inspector or the officer charged with the enforcement of the building laws in such city,* shall immediately cause an inspection to be made of such scaffolding, slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination such scaffolding, or any part thereof, is found to be dangerous to life or limb, the *above person so authorized to inspect* shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. *The commissioner of labor, state factory inspector, any assistant factory inspector, or*

the chief officer charged with the enforcement of the building laws in such city, making the examination, shall attach a certificate to the scaffolding, slings, hangers, irons, ropes, or other parts thereof *or connected therewith,* so examined by him, stating that he has made such examination and found it safe or unsafe as the case may be. If he declares it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn him against the use thereof. Such notice *shall* be served personally *or by mail* upon the person responsible for its erection, *and* by conspicuously affixing it to such scaffolding, *slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes,* or any part thereof so declared to be unsafe. After such notice shall have been so served *and* affixed, the person responsible therefor shall immediately remove such scaffolding or other part so declared to be unsafe, and alter or strengthen it in such manner as to render it safe in the discretion of the officer who examined it or of his superiors. *The commissioner of labor, state factory inspector, any assistant factory inspector and the chief officer charged with the enforcement of the building laws of such city,* shall have free access at all reasonable hours, to any building or premises containing *any scaffolding or part thereof.* * * * All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon, when in use, and not more than four men shall be allowed on any swinging scaffolding at any one time.

Provisions required in erection of buildings in cities. SECTION 2. Section 3, chapter 257 of the laws of 1901, is hereby amended, so as to read when so amended, as follows: Section 3. All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material or brick work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers of beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fire-proof material, all contractors for carpenter work, in the course of construction, shall lay the under flooring thereof on each story as the building progresses, to not less than within two stories below the one to which such building has been erected. Where double floors are not to be used, such contractor shall keep planked over the floor two stories below the story where the work is being performed.

If the floor beams are of iron or steel, the contractors for the iron and steel work of such buildings, in the course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be enclosed or fenced in on all sides by a barrier at least eight feet in height. If a building in course of construction is five stories or more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building. * * *

Officers charged with enforcement of law. SECTION 3. A new section is hereby enacted to be known as section 3a of chapter 257 of the laws of 1901, which shall read as follows: Section 3a. The commissioner of labor, state factory inspector, assistant factory inspector and the chief officer charged with the enforcement of the building laws in such city are hereby charged with the enforcement of the provisions of this act.

Penalty. SECTION 4. Section 4 of chapter 257 of the laws of 1901 is hereby amended so as to read, when so amended, as follows: Section 4. Any owner, contractor, sub-contractor, foreman or other person having charge of *any work subject to the provisions of this act,* if found guilty of violation of any of the provisions thereof, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or imprisonment of not less than three months nor more than one year by any court having *competent* jurisdiction.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 298, A.] [Published May 26, 1905.

CHAPTER 251.

AN ACT to amend section 49 of the statutes of 1898 as amended by chapter 72 of the laws of 1899 and as further amended by chapter 404 of the laws of 1901, relating to elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Polls, opening and closing of; change of time. SECTION 1. Section 49 of the statutes of 1898 as amended by chapter 72 of the laws of 1899 and as further amended by chapter 404 of the laws of 1901, is hereby amended so that said section when amended shall read as follows: Section 49. The polls of every election in every city of five thousand (5000) inhabitants * * * *and less than one hundred thousand (100,000),* shall be opened at six o'clock in the morning and be closed at seven o'clock in the evening of the same day *and in cities of one hundred thousand or over the polls shall be opened at six o'clock in the morning and be closed at eight o'clock in the evening of the same day.* The polls of the election held in other cities, and in towns and villages on the Tuesday next succeeding the first Monday in November, shall be open at nine o'clock in the forenoon, or as soon thereafter as may be, and close at sundown, provided that the common council of any city, containing less than five thousand inhabitants, the town board of any town or board of trustees of any village, may by resolution adopted and published in some newspaper in said city, town or village, or in case there be no newspaper published therein, then in some newspaper published in the county in which such city, town or village is located, at least ten days before the election, fix an earlier hour for the opening of the polls in such city, town or village, not earlier than sunrise; cities of less than five thousand inhabitants, and all towns and villages in counties of not less than two hundred thousand inhabitants may, by such resolution, open the polls not earlier than six o'clock in the morning, and cause them to be kept open not later than seven o'clock in the evening. Inspectors of election shall cause public proclamation to be made at the opening and closing of the polls.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 283, A.] [Published May 26, 1905.

CHAPTER 252.

AN ACT providing that the salary of district school superintendents shall be the same as that fixed by county boards for county superintendents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of district superintendents. SECTION 1. District superintendents of schools, as provided by chapter 307 of the laws of 1903, shall receive the same amount of salary heretofore last fixed by the county board of supervisors, as provided by law, until otherwise determined by the said county board of supervisors as the salary of the county superintendent of schools in each respective district.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 185, A.] [Published May 26, 1905.

CHAPTER 253.

AN ACT to amend section 2433 of the statutes of 1898, as amended by chapter 398 of the laws of 1903, relating to the appointment of court commissioners.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of court commissioner. SECTION 1. Section 2433 of the statutes of 1898, as amended by chapter 398 of the laws of 1903 is hereby amended so as to read as follows: Section 2433. Each of the counties of this state shall have not to exceed six court commissioners, *except that in every county hav-*

ing a population exceeding sixty-five thousand, according to the last census, there may be appointed not to exceed ten court commissioners, the same to be appointed by the circuit court and the circuit judges jointly in vacation, for the county or counties of their respective circuits. Each court commissioner shall hold his office during the term of office of the judge or judges who appointed him, and until his successor is appointed and qualified, unless sooner removed by the court or judge or judges appointing him, and shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and file the same duly certified, together with his appointment, in the office of the clerk of the circuit court of the county in which he resides. Any woman authorized to practice as an attorney of any court of record, may be appointed and act as a court commissioner; all court commissioners heretofore appointed in any county in this state shall hold their office until the expiration of the term for which they were appointed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 148, A.] [Published May 26, 1905.

CHAPTER 254.

AN ACT to amend section 2940 of the statutes of 1898, relating to payment of costs by county on change of venue.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What county to pay costs when venue changed. SECTION 1. Section 2940 of the statutes of 1898 is hereby amended so as to read as follows: Section 2940. In all actions or legal proceedings, including criminal actions, where a change of venue is had or made by the order of any court or of any judge, pursuant to law (except in cases where such change is made because the action was not brought in the proper county), *or when an action, occupying a day or more, is tried outside the*

county wherein pending, the county in which such action was commenced shall pay to the county in which the same shall be tried the following expenses arising out of such change of venue:

1. The per diem fees allowed by law to the clerk or his deputy or deputies, all the taxable costs, disbursements and fees of such clerk on any proceeding or action.

2. The per diem fees allowed by law to the petit jurors actually in attendance upon said court.

3. The per diem fees allowed by law to the sheriff, undersheriff and deputies in attendance upon said court.

4. All lawful charges for boarding the jury.

5. The legal fees of all witnesses in any criminal case or proceedings which are a lawful charge against the county.

6. The fees or compensation allowed by law to the phonographic reporter in attendance upon said court, and such other fees allowed to such reporter in criminal proceedings which are chargeable to the county by law.

7. Such other lawful costs, charges, fees and disbursements which, by law, are chargeable to the county, and all lawful costs, disbursements and charges which any such county may be lawfully subjected to or may incur in any such action or proceedings.

8. All lawful charges and fees for subpoenaing witnesses in any criminal case or proceedings and which are a proper charge against the county. The fees of such officers, jurors and phonographer to be estimated for each day and part of a day, not less than half a day, occupied in trying or disposing of any such action; but no costs shall be paid to such county to which a change of venue is had which are not properly chargeable against such county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 20, A.] [Published May 26, 1905.

CHAPTER 255.

AN ACT to amend section 1529a of the statutes of 1898, as amended by chapter 304 of the laws of 1899, and by chapter 324 of the laws of 1903, pertaining to the support of inmates of veterans' home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Support of inmates of veterans' home. SECTION 1. Section 1529a of the statutes of 1898, as amended by chapter 304 of the laws of 1899, and by chapter 324 of the laws of 1903, is hereby amended so as to read as follows, to-wit: "Support of inmates of veterans' home. Section 1529a. There shall be paid by the state treasurer to the treasurer of the board of trustees of the Wisconsin Veterans' Home, an institution incorporated under the laws of this state under the auspices of the department of Wisconsin, grand army of the republic, three dollars a week for each inmate *and employee not an inmate* of such home, *and thirty dollars for the burial of each deceased inmate of such home who shall be buried in the cemetery of such home,* upon monthly bills properly verified by the oath of the president and secretary of said board, stating *the name and date of burial of each deceased inmate buried in such cemetery, and* the name of each inmate *and employee not an inmate* for whose maintenance therein compensation is claimed, and the length of time during the month preceding the rendition of such bills, such persons shall have been maintained therein; such payment shall be made *only for the burial of such deceased inmates of said home as are herein mentioned, and for the maintenance of the employees not inmates of said home, and* for the maintenance of such inmates of said home as are destitute soldiers, sailors and marines who have been honorably discharged from the service of the federal government, who are residents of this state, or such soldiers, sailors and marines, above named, inmates of said home, who shall have served in any Wisconsin regiment, or command, or in the navy of the United States being credited to the state of Wisconsin, together with their wives or widows, who are not residents of this state, and who cannot be received into any national home for disabled volunteers, and such destitute women, resi-

dents of this state, as were employed as army nurses, and such as are mothers, wives or widows of men who were union soldiers, sailors and marines during the civil war. Such payments shall be made subject to conditions imposed by chapter 393 of the laws of 1891."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 734, A.] [Published May 26, 1905.

CHAPTER 256.

AN ACT providing for additional room and additional teaching force in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional room and additional teacher, when to be provided. SECTION 1. Whenever any school district having a school house of one room only shall enroll in any one school term, sixty-five pupils or more in such school it shall be the duty of the electors of said district at the next annual meeting to authorize the district board to make provision for an additional room and an additional teacher for the accommodation and instruction of said children.

Forfeiture upon failure to comply with law. SECTION 2. Failure to comply with this act shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the seven-tenths mill tax as provided by law.

Conflicting laws repealed. SECTION 3. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 729, A.] [Published May 26, 1905.

CHAPTER 257.

AN ACT to amend chapter 9 of the laws of 1905, entitled "An act relative to the establishment of a second municipal court in and for the county of Dunn."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Civil and criminal jurisdiction of; judgment by confession. SECTION 1. Section 2 of chapter 9 of the laws of 1905, is hereby amended so as to read as follows: Civil and criminal jurisdiction of; judgment by confession. Section 2. Said second municipal court and the judge thereof shall take cognizance of and shall have jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of the debt, damages and demand and penalty of forfeiture shall not exceed the amount of five hundred dollars; all actions to recover the possession of personal property, with damages, for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars; all actions arising under chapter 145 of the statutes of 1898, when the amount claimed shall not exceed five hundred dollars; all charges for criminal offenses, including bastardy, arising within said county which are not punishable by commitment to state prison, and all offenses arising under the charter and ordinances of all duly incorporated cities and villages within said county; said judge shall have power and jurisdiction throughout the county to cause to be brought before him all persons who may be charged with having committed any criminal offense and to issue process therefor and to commit them to jail or require bail, as the case may require; he shall have the jurisdiction, authority, powers and rights given by law to justices of the peace, provided, however, that nothing herein contained shall be construed to give said municipal judge cognizance of or jurisdiction over any action mentioned in subdivisions 1, 2 and 3 of section 3573 of the statutes of 1898. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court as far as applicable, *and transcripts of the judgments of said second municipal court may be filed and docketed with the*

clerk of the circuit court for said county with the same effect as transcripts of judgments rendered by justices of the peace, and all appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. On and after the appointment or election and qualification of the municipal judge, as herein provided, no justice of the peace in said county shall have jurisdiction over any criminal examination, trial and proceeding, including bastardy, provided, however, that any such justice of the peace may issue warrants returnable to said second municipal court of said county; but nothing in this act shall be construed as in any manner affecting the jurisdiction of any justice of the peace to hear, try and determine any criminal proceeding or any action for the violation of any city or village ordinance now pending in such court, or which may be commenced before the judge of said second municipal court shall enter upon the duties of his office. In addition to the jurisdiction as aforesaid, a judgment of confession may be entered by the judge of said court, in any sum not exceeding one thousand dollars, without action, whether for money due or to become due, or to secure any person against a contingent liability on behalf of the defendant, or both, if a verified statement be made by the defendant to the following effect:

First. It must state the amount for which judgment may be entered and authorize the entry of judgment therefor by the judge of said court.

Second. If it be for money due or to become due, it shall state concisely the fact or facts out of which the indebtedness arose and must show that the amount confessed is justly due or to become due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely all facts constituting a contingent liability and must show that the amount confessed does not exceed the same.

Election of judge; term; vacancy. SECTION 2. Section 3 of chapter 9 of the laws of 1905 is hereby amended so as to read as follows: Election of judge, term, vacancy. Section 3. On the first Tuesday in April, *1906,* and every four years thereafter there shall be elected in the county of Dunn in the same manner as county judges are elected, *a municipal judge* who shall hold his office for a term of four years from the first Monday of May next following his election, and until his successor is

elected and qualified, and in case of a vacancy occuring in the office of the said municipal judge, such vacancy shall be filled by appointment by the governor of this state, and the person so appointed shall continue in office for the residue of the term for which his predecessor was elected or appointed; provided, however, that upon the passage and publication of this act, the office of the judge of said court shall be deemed vacant and shall be filled by appointment by the governor * * * and the person thus appointed shall hold office until the first Monday in May, A. D. *1906*, or until his successor is elected and qualified.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 727, A.] [Published May 27, 1905.

CHAPTER 258.

AN ACT to amend section 490 of the statutes of 1898 and validating actions taken in respect to organizing high schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

High schools, how established. SECTION 1. Any town, village or city school district or sub-district which contains within its limits an incorporated village or which has a graded school of not less than two departments may establish and maintain not exceeding two high schools in the manner and with the privileges herein provided; but no such school shall be established or maintained unless twenty-five persons of school age, resident of the town, city or village or school district, or sub-district, pass a satisfactory examination in the branches required to be taught in the common school and are prepared to begin a high school course. The question of establishing such schools may be submitted by the town, district,

sub-district, village board or common council to the legally qualified voters at any annual or special meeting or election upon written resolution therefor proposed for adoption; provided that *ten day's* notice of such purpose embodying such resolution be given *by posting five copies thereof in five different public places in such town, village, city, school district or sub-district, or by publishing such notice in any newspaper published in any such town, village, city, school district or sub-district, ten days prior to the time set for holding such meeting.* In the case of a sub-district the meeting may be called by the clerk thereof. The vote shall be taken by ballot and canvassed according to the statutes for conducting elections in such municipality, those ballots in favor being written or printed "for high school," those opposed, "against high school." If the resolution be adopted such town, district, sub-district, village or city shall constitute a high school district. But this section shall not apply, to high schools already established. *No action heretofore taken by any town, village, city, school district or sub-district in voting to form a high school or joint high school shall be invalid by reason of any defect in the form of notice given or the time such notice shall have been given, posted or published; but all steps heretofore taken by any town, village, city, school district or sub-district in forming a high school or joint high school are hereby validated, and declared to conform to law.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 704, A.] [Published May 27, 1905.

CHAPTER 259.

AN ACT providing for the re-assessment of property for taxation in certain cases where the original assessment is not in substantial compliance with law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When tax commissioner may order re-assessment; hearing; order. SECTION 1. Whenever, upon complaint made and a summary hearing in that behalf had, it shall be made to appear satisfactorily to the commissioner of taxation and the first and second assistant commissioners of taxation that the assessment of property in any assessment district is not in substantial compliance with law and that the interests of the public will be promoted by a re-assessment of such property, said commissioners shall have authority in their discretion to order a re-assessment of all the taxable property in such district to be made by one or more persons to be appointed for that purpose by said commissioners. Notice of such hearing specifying the time and place thereof shall be mailed to the chairman and clerk of the town, president and clerk of the village or mayor and clerk of the city, which constitutes or includes such assessment district, not less than eight days before the time fixed for such hearing. The order directing such re-assessment and naming the person or persons appointed to make the same shall be filed in the office of the clerk of such district, and a duplicate thereof shall be retained in the office of said commissioners. A copy of such order shall be transmitted to the supervisor of assessment of the county in which such district is located and to each of the persons appointed to make such re-assessment and to serve on the board for the review thereof, which shall be legal notice to such persons, respectively, of their appointment.

Oath of person appointed to make re-assessment; powers and duties; blanks. SECTION 2. The person or persons so appointed to make such re-assessment, without delay, shall severally take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin and

faithfully to perform the duties imposed upon him in respect to such re-assessment to the best of his ability, and shall file the same with the commissioner of taxation. Thereupon such person or persons shall proceed with diligence to make a re-assessment of all the taxable property in such district. For that purpose he or they shall have all the power and authority given by law to assessors in such district and shall perform all the duties and be subject to all restrictions and penalties imposed by law upon such assessors. He or they shall have access to all public records and files which may be needful or serviceable in the performance of said duties, and while engaged therein shall be entitled to have custody and possession of the roll containing the original assessment in such district and all property and other statements and memoranda relating thereto. A blank assessment roll and all property statements and other blank forms needful for the purposes of such re-assessment shall be furnished by the county clerk at the expense of the county upon the application of the supervisor of assessment.

Board of review; notice of meeting of. SECTION 3. In the order for such re-assessment said commissioners of taxation shall designate three persons to serve as a board for the correction and review of such re-assessment. As soon as practicable the person or persons making such re-assessment shall inform the clerk of such district of a date on which such re-assessment will be ready for the consideration of such board, which information shall be given in time to enable such clerk to give the notice hereinafter required. The clerk shall thereupon give notice that such board will meet on such date at the place provided by law for the meeting of the regular board of review of such district, specifying such place. He shall record such notice in the record book of proceedings of the board of review of such district after first recording therein the order for such reassessment; he shall post such notice in three conspicuous public places in said district and shall also serve a copy of such notice upon each of the persons named to act as such board and upon the supervisor of assessment if such re-assessment be not made by such supervisor, which posting and service shall be at least one week before the day designated for such meeting. Such service may be by personal delivery to the person to be served or by leaving such copy at his usual place of abode or by mailing the same in a sealed envelope postpaid and directed to such person at his postoffice

address. A memorandum stating the time and place of such posting and the time and manner of such service shall be entered by the clerk in the record aforesaid. Such memorandum, authenticated by the signature of the clerk shall be presumptive evidence of the facts therein stated; and the fact, time, and manner of such posting and service may be proved by any person having knowledge of the facts even though no entry of such memorandum be made.

Meeting of board; oath of members; clerk. SECTION 4. The persons designated to serve as a board to review such re-assessment shall attend at the time and place specified in such notice. A majority of such persons shall constitute a quorum. Before proceeding in such review they shall be sworn by the clerk or by some other person authorized by law to administer oaths, to faithfully and impartially perform their duties in respect to such re-assessment. The clerk of such district shall attend and serve as the clerk of such board at all its sessions and shall perform all the duties required of such clerks at meeting of the regular board of review of such district, except that he shall have no voice in the determinations of such board.

Re-assessment to be laid before board. SECTION 5. The person or persons making such re-assessment shall attend such meeting, shall lay before such board the roll containing the re-assessment of property made by him or them and all property statements, affidavits, and other memoranda in relation thereto, shall furnish the board all information in his or their possession which may be useful in the work of such board, and may give testimony of any facts within his or their knowledge pertinent to any matter under the consideration of such board.

Board to review such assessment; rights of property owner. SECTION 6. Such board shall carefully examine and consider such re-assessment roll and all statements and other information accompanying the same or given in relation thereto. They shall review and correct such re-assessment in like manner as the regular board of review of such district is required to review assessments therein and for that purpose they may adjourn from time to time and shall otherwise have and exercise all the power and authority given by law to boards of review and shall be subject to all the rules and restrictions imposed upon such boards. Any owner of taxable property in such district shall have the right to examine such re-assessment and

shall have all the rights and privileges before such board in respect to such re-assessment that are given by law in respect to any assessment of property in such district.

Re-assessment roll; affidavit of board. SECTION 7. Upon the completion of the work of such board and the incorporation in such re-assessment roll of any corrections and changes ordered by such board, the person or persons making such re-assessment shall make and annex to such roll an affidavit conforming as nearly as may be to the affidavit required by law to be annexed to assessment rolls in such district. Such re-assessment roll when completed shall be filed in the office of the clerk of such district and shall take the place of the original assessment made in such district for said year for all purposes and shall be prima facie evidence of the facts therein stated and of the regularity of all the proceedings culminating therein.

Powers and duties of supervisor of assessments; duties of district attorney. SECTION 8. If such re-assessment shall be made by any person other than the supervisor of assessment of the county in which such district shall be located such supervisor shall have all the authority in respect thereto that is possessed by him in respect to other assessments in his county and, in such case, he shall render what assistance he can practicably to the person or persons making such re-assessment and to the board which shall review the same, the meeting of which board shall be attended by him. The district attorney of the county in which such re-assessment shall be made shall render any legal assistance which may be required in relation thereto or the review thereof upon the request of such supervisor of assessment.

Compensation; witness fees. SECTION 9. The person or persons making such re-assessment and the persons serving upon the board for the review thereof shall receive compensation for their services and expenses at such rate, not exceeding five dollars per day, as may be designated by the commissioners of taxation in the order directing such re-assessment. Any witness directed to be summoned by such board shall be entitled to fees for travel and attendance at the rates allowed by law to witnesses in the circuit court, but shall not be entitled to such fees prior to his attendance and the giving of his testimony. The supervisor of assessment, if not himself appointed to make such re-assessment, shall be entitled to compensation for his services and expenses as supervisor in respect to such

re-assessment at the same rate allowed him for his general services as supervisor; but the time he shall be engaged in such re-assessment and review shall not be taken or considered as any part of the time devoted to the general duties of his office.

Statement of claim of persons entitled to compensation. SECTION 10. Upon completion of the review of such re-assessment each person entitled to compensation for services in respect thereto as provided in the preceding section shall make out a statement of his claim therefor against the state of Wisconsin and execute a voucher for the payment thereof upon blank forms to be furnished by the commissioner of taxation. Such statement shall show the number of days for which compensation is claimed, the rate per day, the character of the service, the total amount claimed, the address of the claimant, and, in case of witnesses, the number of miles traveled, which statement shall be verified by the affidavit of the claimant or of some person having knowledge of the facts. Each such claim shall be approved, if correct, by a member of such board and by the county supervisor of assessment. A memorandum of all such claims, showing the number of days and character of service and amount due to each person, shall be entered at the foot of the record of the proceedings of such board.

Such claims to be paid by state and to be charged against assessment district. SECTION 11. The statements and vouchers mentioned in the preceding section shall be promptly transmitted by the supervisor of assessment to said commissioners of taxation, who shall have authority to review the same and determine the number of days to be allowed. After such review and determination and after procuring any needed corrections therein said commissioners shall endorse their approval of such statements and file the same and such vouchers in the office of the secretary of state. Such claims shall thereupon be audited by the secretary of state and paid out of the state treasury in like manner that other claims against the state are audited and paid. The amount so paid shall constitute an indebtedness of the district in which such re-assessment was made to the state of Wisconsin, and such indebtedness with interest thereon at six per cent per annum shall be a special charge upon such district to be certified to and collected from such district in the then next levy and certification of state taxes and special charges, in like manner that other in-

debtedness of cities, towns and villages to the state are certified and collected.

Appointments; penalty for neglect of duty; when order for re-assessment may be made. SECTION 12. If for any reason the supervisor of assessment shall be unable to perform any of the duties imposed by this act such duties may be performed by a special deputy to be appointed for that purpose by said commissioners of taxation. If any other person appointed to perform any duty under this act shall be unable or neglect to do so, his place may be filled by appointment by said commissioners. If any person required to perform any duty under this act shall wilfully neglect or refuse to do so, he shall forfeit to the state not less than fifty nor more than two hundred and fifty dollars. In the appointment of persons to perform services under this act said commissioners of taxation shall not be required to select any of such persons from the residents of the district in which the re-assessment is to be made. It shall not be necessary for the said commissioners to wait until the assessment in any district is completed before making an order for re-assessment therein under the provisions of this act; but they shall be entitled to make such order whenever they shall be satisfied from the work already done upon such assessment that when completed it will not be in substantial compliance with law.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 352, A.] [Published May 27, 1905.

CHAPTER 260.

AN ACT to provide for liens upon horses and other animals for the cost of shoeing the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lien for shoeing animals. SECTION 1. Any person who shall shoe or cause to be shod by his employees any horse, mule, ox or other animal shall have a lien upon such animal or animals for the amount due or to become due for such labor or services, which lien shall take precedence of all other claims, liens or incumbrances thereon made or filed after the time of doing such work, labor or service.

Petition for lien. SECTION 2. No debt or demand for such labor or services shall become a lien upon the animals mentioned in the preceding section unless a petition therefor in writing shall be made and signed by the claimant and verified by him or by some one in his behalf under oath, setting forth the nature of the debt or demand for which the lien is claimed, the amount claimed to be due, a description of the property upon which such lien is claimed and an averment that the petitioner claims a lien thereon pursuant to law. Such petition shall be filed in the office of the clerk of the circuit court of the county in which the owner of such animal or animals resides within six months after the performance of such labor or services. Such labor or services shall be deemed continuous notwithstanding a change of ownership in the property in which such lien is claimed. The clerk with whom such petition for a lien is filed shall receive twenty-five cents for filing the same.

Successive liens on same animal. SECTION 3. Any person may file successive liens upon the same animal for charges for shoeing the same, and he may include in any one claim of lien his charges for any number of times of shoeing such animal; provided, however, that no lien shall be had for any shoeing of any animal done more than six months prior to the filing of the notice of lien.

Actions to enforce lien. SECTION 4. All actions to enforce such lien may be brought before any municipal court or justice of the peace having jurisdiction of the amount claimed in the county in which such petition is filed. Actions may be commenced to enforce and foreclose any such lien, if the amount owing for such labor or services shall then be due, immediately after the filing of such petition for lien, and such claim for labor or services shall cease to be a lien on the property described in such petition unless an action to foreclose such lien be commenced within four months after the filing of such petition. If the claim be not due at the time of filing such petition the time when the same shall become due shall be stated therein, and in such case such claim shall not cease to be a lien on the property described in the petition until thirty days after the claim shall have become due; provided, that such claim shall continue a lien upon the property so described in all cases for four months after the filing of such petition. Where the property subject to such lien has been transported or taken from the county where such work was done, the person in whose favor such lien exists may bring an action to foreclose the same in any county where said property may be found. In all actions brought to foreclose such liens the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant. And any person claiming to own or have any interest in such property may be also made a defendant, but shall not be held personally liable for any costs unless he defends the action. In actions appealed from municipal or justice court no change of venue shall be allowed for prejudice of the judge or of the people.

Attachment of property; affidavit, undertaking, writ, return, service upon non-residents. SECTION 5. The plaintiff in such action may have the remedy by attachment of the property upon which the lien is claimed as in personal actions; such attachment may be issued, served and returned and like proceeding had thereon, including the release of any attached property, upon giving an undertaking in such sum as may be fixed by the court or judge for the payment of the amount which may be finally determined to be a lien on the property. The affidavit for the attachment must state that the defendant, who is personally liable to the plaintiff therefor, is indebted to him in the sum named, over and above all legal set-offs, for such labor or services done or performed as entitles the plaintiff to a lien thereon, describe the property on which it is claimed such work was done or services were performed and aver that the plaintiff

has filed his petition for a lien pursuant to law; but no other fact need be stated therein. No undertaking upon such attachment or security for costs in actions hereunder before municipal courts or justices of the peace need be given unless upon application of some defendant in the action showing by affidavit that he has a good and valid defense to the plaintiffs claim, and no order shall be made by any circuit court or any judge thereof requiring the giving of an undertaking or security for costs except upon ten days' notice to the plaintiff. The writ of attachment shall direct the officer to whom it is issued to attach the property described or so much thereof as shall be necessary to satisfy the sum claimed to be due thereon and to hold the same subject to further proceedings in the action. The officer executing such writ shall make return thereon of his doings in the premises, but it shall not be necessary for him to make and serve an inventory or appraisal of the property. In actions brought in justice's or municipal court hereunder where defendants cannot be found the provisions of law relating to service of attachments upon non-residents or persons who cannot be found in other actions in such courts, shall govern and apply to such action to foreclose a lien.

Assignment of claim. SECTION 6. When more than one person has a claim for a lien upon the same property any person having such claim may have assigned to him in writing the debt or claim of the other, subject the set-offs to said claim against the original owner, and may file a petition for his own lien and for the claims for liens so assigned to him and bring an action to enforce the same in his own name; but such petition shall allege such assignment.

Return of attachment. SECTION 7. The attachment issued by any justice of the peace shall be returned as an ordinary summons and shall be approximately in the same form as prescribed in section 3334 of the statutes of 1898.

Taking of a promissory note for services not to discharge lien. SECTION 8. The taking of a promissory note or other evidence of debt for any such labor or services done or performed shall not discharge the lien therefor hereby given unless expressly received in payment therefor and so specified.

Transfer or death of animals during pendency of lien. SECTION 9. If any animal or animals on which a lien is claimed under the foregoing provisions shall, during the pendency of

the claim therefor, be transported out of this state, secreted, killed, sold or incumbered, the owner of such property and every purchaser thereof or person acquiring any interest therein during the pendency of such claim shall be liable to the lien claimant for the amount which may be adjudged to be due him, which amount may be recovered against any such person in a personal action; provided, the petition for a lien is filed in accordance with law and an action to foreclose the same is begun within the time limited therefor.

Complaint. SECTION 10. The complaint in any action to enforce a lien given upon animals shall in addition to ordinary allegations in actions upon contracts allege the filing of the petition for a lien as hereinbefore provided, and such allegation shall be taken to be true unless expressly denied by the defendant or by some one in his behalf in an affidavit or verified answer and shall contain a description of the property upon which a lien is claimed, and if any part of the claim has been assigned to the plaintiff that part shall be alleged.

Findings of court or jury; costs; execution, what to direct; release from attachment. SECTION 11. The court or jury which tries any action hereunder shall, in addition to the sum due the plaintiff find if such be proven, that the same is due for the labor or services performed or some part of therein as alleged in the complaint, and that the same is a lien upon the property or some part thereof described therein, and the judgment shall be in accordance with the findings. Costs shall be taxed and allowed as in personal actions, including an attorney's fee of ten per cent of the claim, but in no case shall such fee exceed ten dollars. The execution, in addition to the directions and commands of ordinary executions upon judgments for money, shall direct that the property upon which the lien is found to exist or so much thereof as may be necessary for such purpose be sold to satisfy said judgment, costs and attorneys fee, including the costs of sale. If the court or jury find that the amount due the plaintiff is not a lien upon any part of such property it shall be released from the attachment if it has been attached. The plaintiff shall, in such case, have judgment for the amount so found due, with costs, as in ordinary civil actions, but he shall not recover the costs of executing such attachment.

Person interested in property may be made defendant; appeal by such person. SECTION 12. In any action for the enforce-

ment of a lien upon any of the property mentioned in section 1 any person not a party thereto may, at any time before or after judgment and before an actual sale of the property upon which a lien is claimed, become a party defendant by filing with the clerk of the court where such action is pending, or with the justice of the peace in actions pending in a justice court, an affidavit made by such person or in his behalf to the effect that he is the owner of or of some interest in the property upon which a lien is claimed and verily believes that said claim for lien is unjust and invalid; upon filing such affidavit he may defend said action so far as a claim for a lien is concerned, and in case judgment has been previously rendered for a lien he may appeal within twenty days after the filing of such affidavit as in other cases; provided, that his right to file an affidavit or take an appeal shall not extend beyond one year from the date of the rendition of the judgment.

Undertaking on appeal; stay of proceedings; judgment of appelate court. SECTION 13. Such appeal shall not stay execution unless the appellant files an undertaking, with two or more sureties, who shall each justify in a sum equal to double the amount of the judgment, conditioned that if the plaintiff establish his right to a lien on such property they will pay the amount of the judgment in his favor with costs; said undertaking shall be approved by the judge of the court to which the appeal is taken; and upon filing it all proceedings upon the judgment appealed from shall be stayed during the pendency of such appeal, and in case execution shall have been previously issued the same shall, upon presenting to the officer in whose custody it may be a certified copy of such affidavit and undertaking and certificate of the justice or clerk of the court that an appeal has been perfected, be returned, and all property in which appellant shall claim an interest that may have been levied upon shall be released from such levy. If upon the trial in the appellate court the plaintiff shall recover judgment of lien upon such property such judgment may be entered against the appellant and his sureties; but if the plaintiff does not establish his right to a lien the appellant shall recover judgment for costs. When the judgment to be appealed from is rendered in justice's court and by reason of the death of the justice who rendered it or any other cause the affidavit and undertaking cannot be presented to him they may, with notice of appeal and affidavit upon appeal, be filed with the clerk of the court to which such appeal is taken within the time aforesaid.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 250, A.] [Published May 27, 1905.

CHAPTER 261.

AN ACT to amend section 1 of chapter 243 of the laws of 1901, to prevent the adulteration of meat products.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for use of artificial coloring; antiseptics. SECTION 1. Section 1 of chapter 243 of the laws of 1901 is hereby amended so as to read as follows: Section 1. Any person who by himself or his agent shall * * * offer or expose for sale, take orders for, or sell, *or have in his possession with intent to sell for use or consumption within the state* any sausage or chopped meat compound containing any artificial coloring, * * * or chemical preservative or antiseptic, *except common salt, saltpetre, spices or wood smoke* shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than *twenty-five* dollars nor more than *one* hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 381, S.] [Published May 27, 1905.

CHAPTER 262.

AN ACT amendatory of chapter 356 of the laws of 1899 enacting and adding a new section thereto, to be known as section 1675—24 limiting the time in which action may be brought against a bank for a forged or raised check.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action to be brought within one year. SECTION 1. Chapter 356 of the laws of 1899 is hereby amended by adding thereto a new section to be known as section 1675—24, which said section shall read as follows: Section 1675—24. No bank shall be liable to any depositor for the payment by it of a forged or raised check unless action therefor shall be brought against such bank within one year after the return to the depositor by such bank of the check so forged or raised as a voucher.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 220, S.] [Published May 27, 1905.

CHAPTER 263.

AN ACT to amend section 1951 of the statutes of 1898, as amended by section 1 of chapter 6 of the laws of 1903, entitled "An act to amend section 1 of chapter 22 of the laws of 1901, entitled 'An act to amend section 1951 of the statutes of 1898,' in relation to investments by domestic life insurance companies."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May invest in municipal bonds, securities of railway or street railway; loans to policy holders. SECTION 1. Section 1951 of the statutes of 1898, as amended by section 1 of chapter 6 of the laws of 1903, entitled "An act to amend section 1 of chapter 22 of the laws of 1901, entitled 'An act to amend section 1951 of the statutes of 1898' in relation to investments by domestic life insurance companies," is hereby amended by inserting after the words "real estate" in said section, the words "whether held in fee, or as leasehold running not less than twenty-five years, or in fee subject to a leasehold," so that said section when so amended will read as follows: Section 1951. Every such corporation organized under the laws of this state, may invest its funds and accumulations in stocks or bonds of the United States or of this state, or of any county, city, town or village, or duly organized school district therein, or in mortgages being first liens on real estate *whether held in fee, or as leasehold running not less than twenty-five years, or in fee subject to a leasehold,* worth at least twice the money loaned thereon, or in the mortgage bonds of any railway or streetrailway company duly incorporated and organized under the authority of this state; and it may also make loans on the security of promissory notes amply secured by pledge of any of the bonds in which such insurance corporations are hereby authorized to invest their funds, and every such corporation may not only loan to its policy holders, sums not exceeding one-half the annual premiums on their policies, upon notes to be secured by the policies of the persons to whom the loans may be made, but may also make loans upon the security of its own policies to an amount not exceeding ninety-five per cent. of the cash surrender value of

each such policy at the time of making any loan; and such corporation may invest its funds in other states, organized territories of the United States, and the District of Columbia, on like securities and under the same restrictions as in this state. No life insurance corporation organized under the laws of this state shall issue policies insuring fire, marine, accident or live stock risks, or do any banking business, *except as otherwise provided by law.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 99, S.] [Published May 27, 1905.

CHAPTER 264.

AN ACT creating a forestry board, to appoint fire wardens and trespass agents and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State board of forestry. SECTION 1. There shall be a state board of forestry, consisting of the president of the state university, the director of the state geological survey, the dean of the state agricultural department, the attorney-general and one other member to be appointed by the governor. Said board shall select its own president and shall perform the duties hereinafter provided; and shall meet on the second Monday in January, April, July and October of each year, and at such other times as may be necessary. They shall receive no compensation except their actual expenses to be audited by the secretary of state and paid out of the state treasury.

State forester and his duties. SECTION 2. There shall be a state forester, who shall be a technically trained forester, appointed by the state board of forestry, and whether any candidate for this position is a technically trained forester shall be determined by certificate from the secretary of the United

States department of agriculture. He shall receive a salary of twenty-five hundred dollars per year, and the actual and necessary traveling and field expenses, incurred in the conduct of his official business, be empowered to appoint a clerk whose salary shall not exceed eight hundred dollars per annum; be supplied with suitable offices in the capitol building, be entitled from the superintendent of public property to such stationery, postage and other office supplies and equipment as may be necessary, be authorized to purchase all necessary field supplies, equipment and instruments, be furnished by the state all necessary printed forms and notices and the publications hereinafter provided, and shall act as secretary of the state board of forestry. He shall, under the supervision of the state board of forestry, execute all matters pertaining to forestry within the jurisdiction of the state, direct the management of the state forest reserve, collect data relative to forest destruction and conditions, take such action as is authorized by law to prevent and extinguish forest fires and to prevent forest trespass; co-operate in forestry as provided under section 5 of this act; advance as he may deem wise by the issuing of publications and by lectures, the cause of forestry within the state; and may, upon invitation of the board of regents of the university of Wisconsin, supervise such courses of forestry as may hereafter be provided for at said university. He shall prepare annually a report to the state board of forestry on the progress and condition of state forest work, and recommend therein plans for improving the state system of forest protection, management, re-placement and taxation. The state board of forestry shall report annually a summary of such facts to the governor.

State forest reserve. SECTION 3. The sale of all lands belonging to the state north of town 33 shall cease upon the passage of this act, and such lands north of town 33 shall constitute the state forest reserve; provided, that those state lands within said forest reserve which after examination by the state forester are found by him to be more suitable for other purposes than for the purposes of the state forest reserve, because of their character, condition, extent or suitation, may be sold by the commissioners of the public lands, upon the recommendation of the state forester and with the approval of the state board of forestry. The state forester shall, under the supervision of the state board of forestry, direct the management of the state forest reserve, to which end he may employ the necessary assistance, and may upon said reserve institute conservative lumbering, make and maintain forestry nurseries, plantations and

fire lines and execute other silvicultural and protective measures necessary to the highest permanent usefulness of said reserve to the state. In such conservative lumbering the state forester is authorized, under the supervision of the state board of forestry, to remove or cause to be removed, when and in such manner as he may deem advisable, wood, timber or other products from said reserve. Such wood, timber or other products shall be sold to the highest bidder under contracts executed and signed by the state forester, on behalf of the state, subject to the approval of the state board of forestry.

Grants of land for state forest reserve. SECTION 4. The state board of forestry is hereby authorized, when in its judgment it is advisable, to accept on behalf of the state any grant of land within the state, which shall become a part of the state forest reserve; provided, that no such grant shall be accepted until its title has been examined by the attorney general and a report made to said board of the results of such examination.

Public Parks. SECTION 4a. The state board of forestry shall visit points of natural interest in the state and examine into and consider the propriety and desirability of securing such places as public parks. Said board may further investigate as to the price and report its conclusions to the next session of the legislature.

Co-operation in forestry. SECTION 5. The state forester shall, acting under the supervision of the state board of forestry, whenever he deems it necessary to the best interests of the people and the state, co-operate in forest surveys, forest studies and forest protection, and in the preparation of plans for the protection, management, replacement of trees, wood lots and timber tracts, with any of the several departments of the federal or state governments or the governments of other states and with counties, towns, corporations and individuals.

Assistant state forester. SECTION 6. There shall be an assistant state forester, who shall be a technically trained forester, appointed by the state forester with the approval of the state board of forestry. He shall receive a salary of fifteen hundred dollars per year, and the actual and necessary traveling and field expenses, incurred in the conduct of his official business. He shall perform such duties as may be assigned to him by the state forester, and shall represent the latter in case of disability or absence.

State and town fire wardens. SECTION 7. The state forester shall also be state fire warden, and the assistant state forester shall be assistant state fire warden. The state forester shall appoint one or more town fire wardens for those organized towns in which he deems it necessary, or for such portions of organized towns as he may define, and he may remove any fire warden from office. He shall give the necessary instructions to said fire wardens and supervise the execution of their work.

Powers and duties of town fire wardens. SECTION 8. Each town fire warden, before entering upon his duties, shall take an oath of office and file the same with the state forester. All town fire wardens shall take prompt and effective measures against the spread and illegal setting of forest, marsh or swamp fires within their own and adjoining towns and have the power of sheriffs to arrest without warrant for violations of the provisions of this act. They shall have authority to call upon any able bodied citizen, in territory in which they act, to assist in extinguishing forest, marsh or swamp fires in such manner as they may direct. The town fire wardens shall first submit to the state forester itemized accounts for their own services and the services of their assistants, and no account shall be paid out of the treasury of the town in which such services have been rendered without the written approval of the state forester. The town fire wardens and those assisting them shall receive such compensation for their services in carrying out the provisions of this section as the town board shall allow, not to exceed 25 cents per hour for the time actually employed; provided, that the total of such accounts shall not exceed one hundred dollars for each thirty-six sections in any one year in any one town. The state forester is authorized to approve for payment not to exceed fifty percentum of the clear proceeds of any fine collected in an action brought for a violation of any of the provisions of sections seventeen or eighteen of this act, or sections 4405a, or 4406, statutes of 1898, relating to setting, failure to put out or care of fires, where the evidence to secure a conviction is furnished by a town fire warden or any other person.

Liability of town fire wardens and citizens. SECTION 9. Any town fire warden who shall refuse to carry out the provisions of the preceding section or any able bodied citizen who shall refuse to render assistance as provided by said section, shall be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less

than ten days or more than thirty days or by both such fine and imprisonment.

Fire warning notices. SECTION 10. Each town fire warden shall post or cause to be posted conspicuously in those parts of his town where fires are likely to occur, all notices furnished him for that purpose by the state forester, and he shall receive therefor compensation at the rate provided in section 8 of this act.

Reports of fire wardens. SECTION 11. Every fire warden, immediately after each fire within his territory, shall forward to the state forester a detailed report of said fire, and shall report annually on or before the first day of December a summary of all forest fires and such other matters as the state forester may direct.

Trespass agents. SECTION 12. The state forester shall also be state trespass agent and the assistant state forester, assistant state trespass agent. As state trespass agent, the state forester shall appoint, and may remove from office, such trespass agents as he may deem expedient. He shall give the necessary instructions to said trespass agents and shall supervise the execution of their work. The state forester is authorized to approve for payment to any trespass agent or other person, upon whose evidence successful action is brought for trespass upon any portion of the state forest reserve, not to exceed 25 per centum of the amount collected for such trespass, which payment shall be made by the state treasurer; provided, that in no case shall such payment exceed five hundred dollars ($500.00).

Oath and liability of trespass agents. SECTION 13. Every person appointed as trespass agent under authority of this act, shall, before entering upon his duties, take and subscribe the following oath of office; "I do solemnly swear that I will support the constitution of the United States and of the state of Wisconsin; that I will not engage, either directly or indirectly, in the purchase for my own benefit or for the benefit of any other person, of any state lands or products from said lands, so long as I remain a trespass agent; and that I will faithfully and to the best of my ability discharge the duties of such position, so help me God." Such oath of office shall be filed with the state forester. Any trespass agent who violates the terms of his oath regarding the purchase of state lands or products therefrom, shall be punished by a fine of not less than three times the

price paid for said land, or three times the market value of said products, or by imprisonment in the county jail for not less than thirty days or more than ninety days or by both such fine and imprisonment.

Powers of trespass agents. SECTION 14. All trespass agents shall have the power of sheriffs to arrest without warrant for any violation of the provisions of this act. It shall be the duty of every trespass agent to immediately report to the state forester and the district attorney of the county in which such trespass is committed, all cases of trespass upon state lands, which come to his knowledge, and to furnish these officers with information required by them concerning said trespass.

District attorneys to prosecute. SECTION 15. Whenever an arrest shall have been made for any violation of any provision of this act, or whenever any information of such violation shall have been lodged with him, it shall be the duty of the district attorney of the county in which the criminal act was committed to prosecute the offender or offenders. If any district attorney shall fail to comply with the provisions of this section, he shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 nor more than $1,000, or be imprisoned not less than thirty days nor more than one year, or both in the discretion of the court. The penalties of this section shall apply to any magistrate, with proper authority, who refuses or neglects without cause to issue a warrant for the arrest and prosecution of any person or persons when complaint, under oath, of violation of any terms of this act has been lodged with him.

Destruction of warning notices. SECTION 16. Any person who shall maliciously or wilfully destroy, deface, remove or disfigure any sign, poster or warning notice posted under the provisions of this act shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than $15 nor more than $100, or by imprisonment in the county jail for a period of not less than ten days nor more than three months, or by both such fine and imprisonment.

Engines in forest land; burning weeds, etc. SECTION 17. It shall be unlawful for any logging locomotive, donkey or threshing engine, railway locomotive and all other engines, boilers and locomotives operated in, through or near, forest, brush or grass land, which do not burn oil as fuel, to be operated without a netting of steel or iron wires so constructed as

to give the most practicable protection against the escape of sparks, cinders or fire from the smoke stacks thereof and each such engine shall be provided with adequate devices to prevent the escape of fire from ash pans and fire boxes. Every railroad company shall, at least once in each year, as far as practicable, cut and burn or remove from its right of way all grass and weeds and burn and remove therefrom all brush, logs, refuse material and debris within a reasonable time, and whenever fires are set for such purpose shall take proper care to prevent the escape thereof from the right of way. No railroad company shall permit its employes to deposit fire, live coals or ashes upon their tracks, outside of the yard limits, except they be immediately extinguished. Engineers, conductors or trainmen who discover that fences or other material along the right of way or on lands adjacent to the railroad are burning or in danger from fire shall report the same to the agent or person in charge at their next stopping place at which there shall be a telegraph station. Railroad companies shall give particular instructions to their section employes for the prevention and prompt extinguishment of fires, cause notices, which shall be furnished by the state fire warden, to be posted at their stations, and when a fire occurs along the line of their road, or on lands adjacent thereto, for which fire they are responsible, they shall concentrate such help and adopt such measures as shall most effectually arrest its progress. The state fire warden, or his assistant whenever it shall appear necessary, shall inspect the right of way of any railroad company for the purpose of ascertaining whether the provisions of this section have been complied with. Any person wilfully failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Any corporation by its officers, agents or employes, wilfully violating the provisions of this section shall be liable to a fine of not less than fifty dollars nor more than five hundred dollars for each and every such violation, to be collected in a civil action in the name of the state.

Civil liability for forest fires. SECTION 18. In addition to the penalties provided in the preceding section of this act, the the United States, the state, the county or private owners, whose property is injured or destroyed by such fires, may re-

cover, in a civil action, double the amount of damages suffered, if the fires occurred through wilfullness, malice or negligence. Persons or corporations causing fires in violation to this act shall be liable to state in an action for debt, to the full amount of all damages done to the state lands and for all expenses incurred by the towns fighting such fires.

Criminal action; forest trespass. SECTION 19. Every person who, unlawfully cuts, or injures any kind of wood or timber standing, lying or growing upon the lands of another, or of the state, or of the United States, or upon any public highway, or unlawfully and wilfully injures or destroys or carries away any of the products of such wood or timber lands is guilty of a misdemeanor, and upon conviction, shall be fined not less than $25 nor more than $1,000, or be imprisoned not less than fifteen days nor more than three years, or by both such fine and imprisonment.

Civil liability for forest trespass. SECTION 20. In addition to the penalties provided in section 19 for wilful trespass on forest lands, the state, the county or the private owners upon whose lands the wilful trespass was committed, may recover in a civil action double the amount of damages suffered. This section shall not apply to the cutting of wood or timber from uncultivated woodland for the repair of a public highway or bridge upon or adjacent to the land.

Disposal of moneys from management of state forest reserve. SECTION 21. All moneys received from the sale of wood, timber, minerals or other products, and from the sale of state forest reserve lands, and penalties for trespass thereon, as hereinbefore provided, except when otherwise disposed of by constitutional provision, shall be paid into the state treasury and shall constitute a forest reserve fund which shall be disbursed only for the purchase of lands to be added to the state forest reserve and for the improvement and protection of said reserve and for the employment of the necessary assistance therefor, as hereinbefore provided, by or upon the order of the state forester, with the approval of the state board of forestry.

Appropriation. SECTION 22. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated an annual appropriation of nine thousand eight hundred dollars to pay the annual salaries provided by the terms of this

act, and for carrying out the provisions of this act. If all of said sum be not expended in any one year the balance not so expended may be used for the purpose aforesaid in any subsequent year.

Conflicting laws repealed. SECTION 23. Paragraph 18 of section 1038, sections 1469, 1470, 1471 and 1816a, Wisconsin statutes of 1898; sections 7 and 9, of chapter 432, laws of Wisconsin of 1901; chapter 450, laws of Wisconsin of 1903, and all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Actions commenced under laws repealed. SECTION 24. The repeal of said section and acts shall not affect any act done or right accrued or established, or any proceeding, suit or prosecution had or commenced in any civil or criminal action or proceeding previous to the time when such a repeal shall take effect; but every such right or proceeding shall remain as valid and effectual as if the provisions so repealed had remained in force.

SECTION 25. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 59, S.] [Published May 27, 1905.

CHAPTER 265.

AN ACT to prevent the making of false statements for the purpose of securing credit, and prescribing the penalty therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for making false statements. SECTION 1. Any person who shall designedly make any false statements in writing in reference to his assets or liabilities, or both, or the assets or liabilities of any corporation of which he is an officer or employee, for the purpose of procuring credit in any form,

or for the purpose of procuring any extension of credit already given, shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year or by a fine not exceeding five hundred dollars ($500.00).

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 53, S.] [Published May 27, 1905.

CHAPTER 266.

AN ACT to amend section 1863a of the statutes of 1898, as amended by chapter 465 of the laws of 1901, relating to condemnation proceedings by street and electric railway companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings for condemnation by street railways; crossings; fence and cattle guards. SECTION 1. Section 1863a, of the statutes of 1898, as amended by chapter 465 of the laws of Wisconsin for the year 1901, is hereby amended so as to read as follows: Section 1863a. *Any street or electric railway corporation shall have the power to lay out its right of way not exceeding 100 feet in width and acquire the same by condemnation and to construct its rialway thereon. For the purpose of cuttings and embankments and of obtaining gravel or other material such railway may take as much more land as may be necessary for the proper construction, operation and security of the road and cut down any standing trees that may be in danger of falling on the road, making compensation therefor as provided in chapter 87 of the statutes of 1898, for lands taken by railroad companies,* and any such street or electric railway corporation may acquire by purchase, grant or condemnation *and may* hold or use such real estate or other *real or personal* property as may be necessary for the construction, maintenance and operation of its railroad and of the stations, depot grounds and other accomodations reasonably necessary to accomplish the objects of in-

corporation; *and when reasonably necessary may take and acquire by condemnation or otherwise the right to run its cars over any bridge owned by any city of the second, third and fourth classes, towns and villages, and the approaches thereto on the rails of any other street or electric railway which it may meet, join, intersect or cross.* All the provisions of subdivision 6 of section 1828 of these statutes, relative to railroad crossings, shall apply to street and electric railways. The commissioners therein named shall have power to determine the place at, and manner in which grade or other crossings shall be made, and on an appeal from the determination and award of such commissioners to the circuit court as provided by this chapter, in condemnation proceedings, such court shall have power to review, reverse, modify or affirm such award, both as to the amount of compensation therein provided, and as to the manner of making such crossing, and may make such reasonable provisions as it shall deem necessary for public safety; provided the provisions of section 1808 of the statutes of 1898, shall not apply to trains operated by steam at crossings of such electric railways; and provided further that the appeal herein authorized, shall not prevent the construction of such crossing in the manner determined by the commissioners, and the use of the same by the petitioner upon the filing of such determination and award, with the clerk of the circuit court and the payment of the amount of compensation awarded to the railroad company, or to the clerk of the court for its benefit; but the circuit court may in its discretion require the petitioning company to maintain a flagman or other safeguard at such crossing pending the determination of such appeal. *And such railways shall have the power to cause such examination and surveys for its proposed railroad, to be made as may be necessary to the selection of the most advantageous route, and for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage which shall be done thereto.* All the provisions of these statutes relating to the exercise of eminent domain by railroad companies, shall apply to street and electric railway corporations, provided that nothing herein shall apply to any park or boulevard in any city or village, nor to any street, alley, *bridge* or viaduct therein, unless the use of such *park, boulevard,* street, alley, *bridge* or viaduct shall first be granted to such street or electric railway company by a franchise duly passed by the board of trustees or common council of such village or city; and provided, further, that nothing herein shall apply to the right of the public or the title of any city or

village, in and to any *park, boulevard,* street, alley, *bridge* or viaduct within its limits. *Provided further, that as far as applicable the provisions of sections 1810, 1811, 1812, 1813 and 1814 of the statues of 1898, relating to the construction and maintenance of fences and cattle guards by railroad companies, shall apply to street and electric railways.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

CHAPTER 267.

No. 730, A.] [Published May 27, 1905.

AN ACT to amend chapter 301 of the laws of 1903, entitled "An act relative to the establishment of a municipal court in and for the county of Dunn."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Civil and criminal jurisdiction of; judgment by confession. SECTION 1. Section 2 of chapter 301 of the laws of 1903, is hereby amended so as to read as follows: Section 2. Said municipal court and the judge thereof shall take cognizance of and shall have jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of the debt, damages and demand and penalty of forfeiture shall not exceed the amount of five hundred dollars; all actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars; all actions arising under chapter 145 of the statutes of 1898, when the amount claimed shall not exceed five hundred dollars; all charges for criminal offenses, including bastardy, arising within said county which are not punishable by commitment to state prison, and all offenses arising under the charter and ordinances of all duly incorporated cities and villages within said county; said judge shall have power and jurisdiction throughout the county to cause to be brought be-

fore him all persons who may be charged with having committed any criminal offense and to issue process therefor and to commit them to jail or require bail, as the case may require; he shall have the jurisdiction, authority, powers and rights given by law to justices of the peace, provided, however, that nothing herein contained shall be construed to give said municipal judge cognizance of or jurisdiction over any action mentioned in subdivisions 1, 2 and 3, of section 3573 of the statutes of 1898. The general provisions of law relative to civil and criminal actions by justices of the peace, shall apply to the said court so far as applicable, *and transcripts of the judgments of said municipal court may be filed and docketed with the clerk of the circuit court for said county with the same effect as transcripts of judgment rendered by justices of the peace* and all appeals, civil and criminal, from said court may be taken in the same manner and with like effect as is provided by law for appeals from judgments of justices of the peace. On and after the appointment of the municipal judge, as herein provided, no justice of the peace in said county shall have jurisdiction over any criminal examination, trial and proceeding, including bastardy, provided, however, that said justice of the peace may issue warrants returnable to said municipal court of said county; but nothing in this act shall be construed as in any manner affecting the right of jurisdiction of any justice of the peace to hear, try and determine any criminal proceeding or any action for the violation of any city or village ordinance now pending in such court, or which may be commenced before the judge of said municipal court shall enter upon the duties of his office; in addition to the jurisdiction as aforesaid, a judgment of confession may be entered by the judge of said court in any sum not exceeding one thousand dollars, without action, whether for money due or to become due or to secure any person against a contingent liability on behalf of the defendant, or both, if a *verified* statement be made * * * by the defendant * * * to the following effect:

First. It must state the amount for which judgment may be entered and authorize the entry of the judgment therefor by the judge of said court.

Second. If it be for money due or to become due, it shall state concisely the fact or facts out of which the indebtedness arose and must show that the amount confessed is justly due or to become due.

Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely all facts

constituting a contingent liability and must show that the amount confessed does not exceed the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 669, A.] [Published May 27, 1905.

CHAPTER 268.

AN ACT to amend section 413 of the statutes of 1898 relating to the formation of school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How altered, etc.; notice of first meeting. SECTION 1. Section 413 of the statutes of 1898, is hereby amended so as to read as follows: Section 413. The town board shall make a written order describing the territory affected by the alteration, union or formation of districts and file the same, within twenty days, with the town clerk, and when districts are to be united or a new district formed, deliver to a taxable inhabitant of the new district their notice in writing describing its boundaries and appointing a time and place for the first district meeting, and therein direct such inhabitant to notify *all of the* qualified voters of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting at least five days before the time appointed therefor; and said inhabitant shall notify the voters of such district accordingly, and indorse thereon a return containing the names of all persons thus notified, and said notice and return shall be recorded as a part of the record of the first meeting in such district. *Provided that an unintentional omission to so notify not to exceed one-sixth of said voters shall not invalidate said notice.*

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 653, A.] [Published May 27, 1905.

CHAPTER 269.

AN ACT to authorize the county board in counties within this state having a population of 150,000 or more inhabitants to adopt and purchase voting machines for use in election precincts in any such county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board may adopt and purchase voting machines; payment. SECTION 1. The county board of any county in this state containing a population of 150,000 or more inhabitants is hereby authorized to adopt and purchase for use in any election precinct or precincts in any such county voting machines of the character and description authorized by law to be adopted, purchased and used by the common council of cities, and the town board of towns, or the village board of villages in the state of Wisconsin. Payment for any such voting machine so purchased may be provided for by the county board in such manner as it shall deem for the best interests of the county; and for that purpose such county board may issue notes, certificates of indebtedness or other obligations which shall be a charge on such county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1905.

No. 354, S.] [Published May 29, 1905.

CHAPTER 270.

AN ACT authorizing cities, towns and villages to suppress gambling.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Suppression of gambling. SECTION 1. Chapter 41 of the statutes of 1898 is amended by creating a new section to be known and read as follows: Section 959—71. The common councils of all cities of this state whether organized under the general law or special charters and the board of trustees of all villages and the town boards of all towns, shall have the power to restrain, prohibit or suppress all descriptions of gambling, fraudulent devices and practices and to cause the seizure and destruction of all implements, machines, devices, tables, articles and things manufactured and devised solely for the purpose of playing thereon games of chance for money or other property, and all implements, machines, devices, furniture, articles or things actually found being used for playing thereon or therewith games of chance for money or property, after a judicial determination as to the character or the use of such implements, machines, devices, tables, furniture, articles or things.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 27, 1905.

No. 620, A.] [Published May 29, 1905.

CHAPTER 271.

AN ACT to amend section 153 of the statutes of 1898, relating to the bond of the state treasurer and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Oath and bond; payment of cost of bond by state. SECTION 1. Section 153 of the statutes of 1898, is hereby amended so as to read as follows: Section 153. The treasurer shall, within 20 days after he receives notice of his election and before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution, and give a bond to the state of Wisconsin in the sum of one hundred thousand dollars, with not less than six sureties who shall be resident free holders of this state, conditioned for the faithful discharge of the duties of his office, and also a member of the board of commissioners of the public lands and in the investment of the funds arising therefrom, and for the faithful performance by all persons appointed or employed by him in his office of their duties and trusts therein, and that he will deliver to his successor in office, or to any other person authorized by law to receive the same, all moneys, books, records, papers and other articles and effects belonging to his said office which bond shall be approved by the governor, and, together with the oath of office of such treasurer, shall be preserved in the executive office; and such bond shall be deemed to extend to the faithful execution of the duties of the office of treasurer until his successor shall be elected and fully qualified; *providing however, that in lieu of the bond above mentioned or any additional bond required under existing statutes, the treasurer may give a bond executed, or the condition thereof guaranteed, solely by a surety company as provided in section 1966—33, of the statutes of 1898, and in event that the treasurer elects to give the bond in this provision mentioned, the cost of the same shall be borne by the state, providing the same does not exceed one fourth of one per cent, per annum, on the amount of the said bond.*

Bond heretofore given and additional bonds; appropriation. SECTION 2. *The provision of this act shall apply to the bond of the state treasurer heretofore given for the current term and*

such animals and the same shall be disposed of in the manner provided in chapter 440 of the laws of Wisconsin of 1901, and the laws supplementary thereto and amendatory thereof, except that in no event shall the owner or shipper of such animals receive any indemnity from the state in case such animals are slaughtered, or the owner may re-ship affected animals to party or parties from whom the same were purchased. The expense of such quarantine, of the examination of such animals and subsequent disinfection of quarantined yards where disease is found to exist shall be paid by the owner or shipper of said cattle, the cost of such examination not to exceed seven dollars ($7.00) per day and expenses.

To what persons act not to apply. SECTION 5. The provisions of this act shall not apply to persons transferring cattle through the state on cars to points beyond the state, or to persons living near the state line and owning land in adjoining states, and who may drive said cattle to and from said land for pasturage.

Animals brought in for exhibition; penalty. SECTION 6. Animals brought into the state for purposes of exhibition at county, state or other fairs, if sold within the state, must be subjected to the same test as breeding or dairy animals. Transportation companies unloading cattle in this state, which are not accompanied by a certificate of inspection as above designated, except as provided in section 3 of this act, shall be subject to a penalty of not less than fifty dollars nor more than two hundred dollars for each car so unloaded in this state, such penalty to be recovered at the suit of the state, brought by the attorney general.

Penalty. SECTION 7. Any person or persons bringing into this state cattle that are not accompanied by a certificate of inspection as hereinbefore provided for, or failing to comply with the provisions of section 3, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than two hundred dollars.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved May 31, 1905.

No. 284, S.] [Published June 2, 1905.

CHAPTER 273.

AN ACT relating to school boards and common and high schools in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What persons ineligible to be members of school board; oath of members. SECTION 1. The public schools in every city of the first class, whether organized under general or special charter, shall be under the general management, control and supervision of a board of school directors, consisting of twelve members from the city at large, selected as provided in this act. No person holding any office in any political organization, or any lucrative city, county or state office, other than a judicial office or that of notary public, shall be eligible to be a member of such board of school directors. The members of every such board of school directors shall, before entering upon the duties of such office, take and subscribe the oath of office prescribed in the constitution of this state, and shall file the same, duly certified by the officer administering the same, with the city clerk.

Members of board; eligibility; election. SECTION 2. The board of school directors of cities of the first class in Wisconsin shall consist of twelve (12) members, who shall be qualified voters of such city, who shall be elected as hereinafter provided at a school election to be held bi-ennially on the first Tuesday in April, the first election under this act to be held on the first Tuesday in April, 1907. The school election shall be held at the same time and place and under the charge of the same election officials as the election of judges or other officers held on the same date; but, unless the voting is by voting machines separate ballot boxes shall be provided to receive the ballots for members of the board of school directors, which ballots shall be prepared and supplied to the election officials in the same way as other ballots are provided and supplied for other elections. At such school elections the candidates receiving the greatest number of votes for the several positions shall be declared elected.

Circuit judge to appoint members of board in first instance; vacancies. SECTION 3. Before the first day of July next following the date when this act shall become effective in any city, the circuit judges of the judicial circuit in which such city is situated shall meet, and shall appoint twelve (12) members of the board of school directors, four of these members to serve for a period of two (2) years from the next following first Tuesday in July, four to serve for a period of four (4) years from the next following first Tuesday in July and four to serve for a period of six (6) years from the next following first Tuesday in July; and at the school elections to be held on the first Tuesday in April preceding the expiration of the terms of these members so appointed, their successors shall be elected by the qualified voters of such city to serve for the term of six (6) years or until their successors are elected and qualified. All vacancies in the said board of school directors caused by resignation, removal, death, or resulting from any cause, shall be filled by the board, a majority vote of the remaining members being necessary to a choice. Members so elected by the board shall serve until the first Tuesday of July following the next school election, at which election the vacancies shall be filled for unexpired terms in the same manner as members are elected for a full term. Provided, that the members of boards of school directors in office when this act becomes effective in any such city shall hold their offices until the next following first Tuesday in July, and during such period shall continue to exercise all the rights and privileges and discharge the duties devolving upon members of board of school directors under the provisions of this act.

Nomination of candidates. SECTION 4. The nomination of candidates to be voted for as members of the board of school directors shall be by petition, and any person on whose behalf a petition shall be presented to the proper officials not less than ten days before the date of such school election, signed by not less than five hundred qualified voters of the city, shall be entitled to have his name placed upon the ballot to be voted for as a member of such board of school directors. Nominations for members of such board shall not be under any party designation, but shall be "for member of the board of school directors for the full term" or "for member of the board of school directors for two years, to fill vacancy," etc.

Annual meeting of board; president; committees; absence of members. SECTION 5. The board of school directors shall meet on the first Tuesday in July in each year, and organize by the election of the proper officers. A president shall be elected by said board from their own number to serve for one year, or until his successor shall be chosen, and in his absence or during his disability the board shall elect a president pro tempore. After his election the president shall appoint standing committees, to serve for one year. No member shall be appointed on the committee on examinations and appointments who has previously been appointed or served, at any time, as a member of the committee on complaints against teachers and janitors. The seat of any member shall be declared vacant by the board and the vacancy shall be filled by them by election in the manner hereinbefore provided, if the said member has been absent for four successive meetings of the board without a satisfactory reason presented by him in writing. In case of the absence or inability, from any cause, of any officer appointed by said board to perform the duties of his office, said board may appoint some suitable person to act in his place and stead during his absence or inability; and such person shall have and possess the same power or authority as the officer whose place he is appointed temporarily to fill.

Liabilities and privileges of members; restriction upon powers of board; meetings. SECTION 6. The members of the board shall be subject to all restrictions, disabilities, liabilities, punishments and limitations prescribed by law as to members of the common council in their city, and they shall be exempt from jury duty. The circuit judges of the circuit in which such city is situated may remove any member of the board for causes for which members of the common council are removable. The board shall not in any one year contract any debt or incur any expense greater than the amount of the school funds subject to its order as provided in this act. A majority of the members of the board who have duly qualified shall constitute a quorum for the transaction of business, but a smaller number may adjourn. A majority of the whole board shall be necessary to elect any officer authorized to be elected by said board. Regular meetings of the board shall be held at least once each month at stated times to be fixed and published by the board in its rules, and special meetings may be called and held as shall be provided by the rules of the board, at which no other business shall be transacted than that specified in the

notification thereof, which shall be given personally or mailed to each member at least twenty-four hours before the time of such meeting.

Establishment of schools and fixing boundaries of districts. SECTION 7. The board of directors of each city in which this act shall be applicable is hereby authorized and required to establish and organize so many public schools, in addition to those already established in such city, as may be necessary for the accommodation of the children of the city entitled by the constitution and laws of the state to instruction therein. The said board, as herein provided, shall erect, purchase, hire or lease buildings, improve or enlarge the same, and purchase furniture and lots for the accommodation of such public schools of said city, and to purchase, install and maintain heating systems in said schools, and to enter into contract for the carrying out of any of the purposes authorized in this act; provided, however, that when the board of directors shall contemplate the doing of any work or the purchasing of any material, the estimated cost of which shall exceed the sum of $500.00, said board of directors shall advertise for proposals for doing the same, a plan or profile of the work to be done, accompanied with specifications for doing the same, or other appropriate sufficient description of the work required to be done, and all the kinds or quality of material to be furnished, being first placed on file in the office of said board for the information of bidders and others. Such advertisement shall be published at least six (6) days in the official papers of such city and shall state the work to be done and the time for doing the same, which shall in all cases be such reasonable time as may be necessary to enable the contractor with proper diligence to perform and complete such work. All proposals shall be sealed, and directed to said board and shall be accompanied with a bond to such city in the penal sum not less than thirty per cent of the amount of the board's estimate of the cost of such work, as such board in such advertisement may direct, and such board in letting any such contract and in doing such work shall proceed in manner and form and have the power and authority in manner and form as is vested in the board of public works, or other public officer or officers, of any such city for the doing of any public work and the entering into contracts therefor. Such board shall also have authority to reserve the right to reject any and all bids submitted. Such contracts shall run in the name of the said city, shall be executed and

signed by the president and secretary of the board of school directors, countersigned by the comptroller of said city, and shall be approved by the city attorney of the said city, as to form and execution. The selection of sites for school buildings and adoption of plans for the erection of school buildings, shall be determined by a committee consisting of the president of the board of school directors, the chairman of the committee on buildings of the said board of school directors and the superintendent of schools who shall be known as the statutory committee on school sites and plans. Their decision shall be subject to the approval of the said board of school directors. The school houses now erected and the lots on which they are situated and the lots now or hereafter purchased for school purposes and the school houses thereon erected shall be the property of the city; no lot shall be purchased or leased, nor shall any school house be erected without resolution duly passed by the board of school directors. Deeds of conveyance and leases shall be made to the city. The said board shall also have the power to establish and define from time to time the boundaries of all common and high school districts, in such manner as they may deem best calculated to promote the interests of the schools. The board shall also have the power, subject to the powers and regulations of the city service commission, to employ all janitors necessary in the school houses of their city and to fix their compensation, but the principal of each school shall be custodian of all buildings and rooms occupied by the school over which he presides, and shall have the general supervision over the same, and shall direct the janitor thereof in relation to the keeping and care of such buildings and rooms.

Adoption of text books; system of instruction. SECTION 5. The board of school directors shall have the power to adopt for use in the several public schools of any such city, suitable text books subject to the provisions of the next following section. Said text books shall be uniform in the various schools and when the board shall have adopted for use in the public school of any such city, any text book or text books, the same shall not be changed by the board for five years next thereafter; and the board shall require that the system of instruction in the several schools under its control shall be as nearly uniform as possible, and shall adopt at its discretion, and modify or repeal, by-laws, rules and regulations for its own government, and for the organization, discipline and management of the public schools under its control, and generally adopt such

measures as shall promote the good order and public usefulness of said schools; provided that such by-laws, rules and regulations shall not conflict with the constitution and laws of the state.

Superintendent of schools, term, powers and duties; examination and promotion of teachers; removal of teachers and janitors; salaries. SECTION 9. The board of school directors shall elect by ballot at the regular meeting preceding the expiration of the term of office of the superintendent of schools who is in the office when this act shall become effective, a person of suitable learning and experience in the art of instruction, and practical familiarity with the most approved methods of organizing and conducting a system of schools, for superintendent of schools, and said superintendent of schools shall hold his office until the first day of July next following his election as herein provided, and for three years thereafter, except in case of removal as herein provided, and each third year thereafter the said board shall elect at the first regular meeting in May, a superintendent of schools, as provided herein, who shall serve for the term of three years from the first day of July next following his election. The superintendent of schools shall, under the direction of the board, have a general supervision of the public schools and of the teachers in the cities aforesaid and of the manner of conducting and grading of the said schools. He shall appoint, subject to confirmation, by the board, assistant superintendents and such other assistants and supervisors as may be authorized by the board. Such superintendent shall be an advisory member of every committee of the board, except at times where any inquiry into his acts or investigation of his official conduct shall be under consideration by such committee. A committee, consisting of the president of the board and four members of the board selected by the president, shall on a strict basis of eligibility and fitness, examine, certificate, employ, classify, transfer and promote teachers. The action of such committee shall be subject to amendment, rejection or confirmation by the board. The president of the board and four members of the board, to be selected by the president, shall constitute a committee to select and determine courses of study for the schools, and the text books to be used therein. The action of such committee shall be subject to amendment, rejection or confirmation by the board. The president of the board, together with four members of the board selected by him, acting as a committee, may by a majority vote dismiss teachers

and janitors for misconduct, incompetency, inefficiency, or inattention to duty. The action of such committee shall be subject to amendment, rejection or confirmation by the board. The assistant superintendents and other supervisors and assistants heretofore referred to shall hold their several positions during the term for which the superintendent is elected, except in case of removal. The salaries of the superintendent, assistant superintendents and other assistants shall be fixed by the board.

Secretary of board, duties, bond; enumeration of children. SECTION 10. The board shall also appoint, as a vacancy shall occur, some suitable person to act as secretary of the board, who shall receive a salary to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of the proceedings, and a full and fair account of all receipts and expenditures of the board, and to do and perform such other duties as shall be required of him by said board. The secretary of the board shall, before entering upon the duties of his office, execute a bond to the city for which he is appointed, in such form and penalty and with such conditions as the board shall prescribe, with sureties to be approved by said board, which bond shall be filed with and kept in the office of the city clerk of said city, and the board may require security to be given for the faithful performance of his duties by any officer or employee of said board, in such form and amount as the board shall deem best, and may at any time require of any officer or employee additional bond and sureties, in its discretion. The secretary of the board shall also take the annual enumeration of the children of school age in the city, required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city as may be directed and required by the board, and he shall receive for such service a compensation or fee of two cents per capita upon the entire enumeration of persons between the ages of four and twenty, residing in said city, to be audited by the board and paid out of the funds provided for the support of the schools.

List of teachers, etc., and statements to be filed by secretary. SECTION 11. It shall be the duty of the secretary of the board, within thirty days after the appointment of teachers and other salaried employees, to report to and file with the city comptroller or other auditing officer of the city, a duly certified list of teachers and employees so appointed, and a statement of the

time or times fixed for the payment thereof. He shall also, as often as any action by said board changing the salaries of any of the officers of said board, or of any of such teachers or employees, or making a new election or appointment to any position entitling the person appointed to receive a stated salary, immediately after such action is had, in like manner file with such comptroller or other auditing officer a certified list and statement of all such changes and appointments. All claims and demands against the city or board, before they are allowed by the board, shall be audited and adjusted by the comptroller or other auditing officer of such city, and immediately after the allowance by the board of any claim or account it shall be the duty of the secretary of the board to furnish to such comptroller or other officer a complete list of the same, together with the proper voucher, stating the character of the material or service for which the same were rendered; and before a warrant shall be issued therefor it shall be the duty of such comptroller or other officer to sign the same. And said secretary shall also make and file with the said comptroller or other auditing officer quarterly statements of the condition of the fund for the support of schools and of the financial transactions of the board during the three months next preceding such statement.

Removal of superintendent or secretary. SECTION 12. The superintendent of schools, or the secretary of the board, may be removed from office for misdemeanor in office, incompetency or inattention to the duties of his office, by a vote of two-thirds of the board; provided, that notice in writing of charges against him and of the time and place of hearing and acting upon the same, shall be served upon the accused at least five days before the time of hearing and before any action shall be taken by the board thereon. And the accused shall be heard by himself or counsel, and either party may produce witnesses, who shall be sworn by the president of the board and give testimony subject to the pains and penalties of perjury.

Establishment and maintenance of high schools. SECTION 13. The board of school directors is hereby authorized, and it shall be their duty, to maintain the high schools now established in said cities, and to establish and maintain such other high schools as may from time to time be found necessary by them, and said board shall divide said cities into high school districts, and said schools shall be open to students residing within said district.

Supervision and control of high schools. SECTION 14. The high schools shall be public schools and as such under the same supervision and control in respect to location, buildings, leases, furniture, teachers, text books and course of study, and all other matters as is provided hereinbefore in the case of common schools.

Course of study in high schools; diplomas. SECTION 15. The course of study in the high schools shall be liberal, and shall embrace such studies as said board and the superintendent may deem proper, and the board shall have power to grant diplomas in testimony of scholarship and literary acquirements.

Levy of school tax; collection and disbursement of. SECTION 16. The said board shall report to the common council of each city under this act, at or before the first meeting of the council in September in each year, the amount of money required for the next fiscal year for the support of all the public schools in said city including high schools, and it shall be the duty of said common council to levy and collect a tax upon all the property subject to taxation in said city, at the same time and in the same manner as other taxes are levied and collected by law, which, together with the other funds provided by law, and placed at the disposal of said city for the same purpose, shall be equal to the amount of money so required by the said board of school directors for school purposes, as provided in this act; the said board shall also report to the common council, at the same time as above, the amount of money required for the next fiscal year for the repair and keeping in order of school buildings, fixtures, grounds and fences, the purchase of school furniture and the repair of broken or worn out furniture, the making of material betterments to school property and the purchase of the necessary additions to school sites, in accordance with the provisions of this act, and it shall be the duty of the said common council to levy and collect a tax upon all the real and personal property in said city subject to taxation, at the same time and in the same manner as other taxes are levied and collected by law, which shall be equal to the amount of money so required by the said board of school directors for the said purpose, as provided in this act; provided, that the tax so levied upon each dollar of the assessed valuation of all property, real and personal, in said city, subject to taxation, shall not in any one year exceed three and one-half (3½) mills for the support of all schools, and one-half (½) mill for the repair and keeping in order of school

buildings, fixtures, grounds and fences, the purchase of school furniture and the repair of broken and worn out furniture, the making of material betterments to school property and the purchase of necessary additions to school sites, and the said taxes for the purposes named in this section shall be in addition to the tax to be levied for the general city purposes upon all the taxable property of said city. The said tax and the entire school fund of the city shall not be used or appropriated directly, or indirectly, for any other purposes than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, and legally qualified teachers whose appointment is confirmed by said board and such employes as the board may deem necessary, the necessary and current expenses of the schools including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power and the other school purposes specified in this act. All moneys received by or raised in such city for school purposes shall be paid over to the city treasurer, to be disbursed by him on the orders of the president and secretary of said board, countersigned by the city comptroller; provided, that the president, instead of signing each order, may certify upon the pay-rolls furnished by the secretary to the comptroller to the fact that the amounts therein are correct as allowed by said board. Provided, that the board of school directors may provide by resolution for the payment of all persons employed by said board in the service of the city upon monthly pay-rolls and the manner in which the same shall be certified, audited and approved and payment made thereon and such pay-rolls shall in all cases be certified by the president and secretary and finance committee of said board of school directors and countersigned by the city comptroller of such city.

Erection of new buildings and purchase of sites; issuance of bonds for. SECTION 17. Whenever the board of school directors shall deem it necessary to erect new buildings or additions to old buildings, or to purchase school sites, they may by a two-thirds vote of the members, send a communication to the common council of said city, stating the amount of funds so needed and the purposes for which it is proposed to use the said funds, and requesting the said common council to submit to the voters of the said city at the next election of any sort to be held in the said city, the question of issuing the school bonds of said city, in the amount and for the purpose or purposes named; and upon receipt of such request from the board of school directors

it shall be and is hereby made the duty of the said common council to cause the question of the issuance of the said bonds for the said school purposes to be submitted to the voters of the said city at the next regular, special or other election held in the said city. The question of the issuance of the said school bonds shall be submitted upon a separate ballot, or in some other manner so that the vote upon the issuance of said school bonds shall be taken separately from any other question submitted to the voters at the same election, and if a majority of the votes cast upon such bond proposition shall be in favor of the issuance of said bonds, then the common council of said city shall cause such school bonds to be issued forthwith in the same manner as other bonds which have been properly authorized are issued, and the proper officials of the said city shall sell or dispose of the said bonds in the same manner as other bonds are disposed of and the entire proceeds of the same shall be placed in the city treasury, subject to the order of the said board of school directors, for the purposes named in the request for the issuance of the said bonds. Said school bonds shall not bear a greater rate of interest than four per cent per annum, and shall be payable in twenty years from the date of their issue, one-twentieth of the principal to be payable each year, and the said common council is hereby authorized and it is made their duty to levy and collect a tax upon all property, real and personal, in the said city subject to taxation, in the same manner and at the same time as other taxes are levied and collected, which shall be sufficient to pay the interest on all school bonds outstanding, issued under the provisions of this act, and to pay such part of the principal of such school bonds so issued as becomes due and payable during the next fiscal year. The amount of such school bonds outstanding at any one time shall not be greater than one per cent of the total assessesd valuation of all property, real and personal, in the said city subject to taxation, which amount shall be in addition to the amount of bonds authorized by law to be issued for other city purposes, not provided for in this act, and the tax levied to pay the interest on and principal of the said school bonds shall be in addition to the tax levied for the general purposes upon all the taxable property of said city.

Board to be governed by school laws of state; annual report. SECTION 18. The board shall be governed in all things by the school laws of the state, except as they are altered or modified by this act. They shall report to the common council annually the general proceedings and acts of said board, the number and

condition of the public schools kept in said cities during the year, and the time they have severally been taught, the number and names of teachers; the number of children taught in said schools respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school money raised or received during the year, distinguishing the amount received from the state fund, from the amount derived from taxes levied by the county board of supervisors and by the common council respectively; and the accounty allowed by them against the school fund in detail, together with such other information as they may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the State Historical Society at Madison.

Members of board, etc., not to be interested in purchase or sale of school property. SECTION 19. No member of the board of school directors, superintendent, assistant superintendent, secretary of the board, other assistant, teacher of any common school or high school, or janitor or other employe of the board, shall be in any wise interested in any purchase or sale of any real or personal property by the city for the use or convenience of any of the schools, and no such contract made in violation of this provision shall be valid, and any consideration paid by the city upon any such purchase or sale herein prohibited, may be recovered in an action at law in the name of the city aggrieved thereby, and any person so offending against the provisions of this act shall be removed from any position held by him under this act.

Effect of act upon persons serving under appointment made before its passage. SECTION 20. This act is not intended to affect the term of office of any person now serving in any capacity by virtue of an appointment heretofore made by the school board in any such city, but such officer shall continue to serve in the same capacity under the board of school directors hereby created for the term for which he was so appointed; subject nevertheless, to be removed from such office for the causes and in the manner mentioned in this act. Any vacancy for any cause occurring in any office, subject to the provisions of this act, shall be filled by appointment for the unexpired term.

Effect of act upon city charters; conflicting laws repealed. SECTION 21. This act is amendatory of the charters of the vari-

ous cities to which it applies or may hereafter become applicable, and any provision of said charters inconsistent herewith is hereby modified, amended or repealed by this act to the extent necessary to give full force and effect to the intent hereof. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 22. Ths act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 425, A.] [Published June 2, 1905.

CHAPTER 274.

AN ACT to prohibit the use of wood alcohol in certain places where it endangers life or health.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Use of wood alcohol so as to endanger life or health prohibited. SECTION 1. No person, firm or corporation shall require or wilfully permit the use of wood alcohol, or shellac or other material dissolved in or mixed with wood alcohol, or columbian spirits within any vat or tank, in such manner as to cause injury to, or endanger the life or health of the person so using it, or of any other person or persons.

Penalty. SECTION 2. Any person who violates any of the provisions in section 1 of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each such offense.

Enforcement of act. SECTION 3. It shall be the duty of the commissioner of labor, the factory inspector, or any assistant factory inspector, to enforce this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 735, A.] [Published June 2, 1905.

CHAPTER 275.

AN ACT to amend chapter 143, private and local laws of 1855, entitled "An act to incorporate the Prairie du Chien Bridge company," as amended by chapter 134 of the laws of 1897.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tolls. SECTION 1. Section 9 of chapter 143, private and local laws of 1855 as amended by chapter 134 of the laws of 1897, is hereby amended so as to read as follows: Section 9.* *The said company shall have power to demand and collect tolls for crossing the same, as follows: For any vehicle drawn by two horses, mules or oxen, twenty-five cents; for any vehicle drawn by one horse or mule, twenty-five cents for the round trip; for horses or cattle for droves of ten or less, five cents per head, and for droves of more than ten, three cents per head; for droves of swine or sheep of not more than ten, three cents per head, and for droves of more than ten, two cents per head, and for each foot passenger, five cents each way.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 31, 1905.

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*Entire section rewritten.

No. 526, S.] [Published June 2, 1905.

CHAPTER 276.

AN ACT to appropriate certain sums of money to the several charitable and penal institutions for current expenses from the end of the last appropriation periods to the end of the present fiscal year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations to the several institutions. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated to the several charitable and penal institutions for current expenses, including painting and repairing, from the end of their several last appropriation periods to the end of the fiscal year ending June 20, 1905, in addition to balances on hand at the end of the several appropriation periods and money since received, the sums of money named below, to-wit: To the Wisconsin State Hospital for Insane twenty-one thousand three hundred forty-three dollars; to the Northern Hospital for Insane six thousand three hundred eighty-seven dollars; to the Wisconsin School for Deaf twenty-three thousand two hundred sixty-five dollars; to the Wisconsin School for the Blind twelve thousand two hundred eighteen dollars; to the Wisconsin Industrial School for boys twenty-six thousand three hundred sixty dollars; to the Wisconsin State Prison seven thousand eight hundred fifty-two dollars; to the State Public School twelve thousand five hundred two dollars: to the Wisconsin Home for Feeble Minded nothing in addition to the balance on hand; to the Wisconsin State Reformatory seven thousand nine hundred sixty-one dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 292, S.] [Published June 2, 1905.

CHAPTER 277.

AN ACT to authorize cities of the fourth class to repair dangerous sidewalks and change the expense thereof to the abutting property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice to abutting owners; when board may repair. SECTION 1. The board of public works of cities of the fourth class, excepting in cities having special charters providing otherwise, shall, at some time during the first ten days of each April and September, publish in the official paper of such city a general notice addressed to all persons owning lands abutting upon any street or alley in such city, ordering such abutting owners, within ten days from the date of publication of such notice, to place their sidewalks in good repair; if, after ten days from the date of publication of such notice, the board shall find any sidewalk to be unsafe, dangerous, deficient or out of repair then the board of public works shall cause such sidewalk to be repaired and charge the expense thereof to the abutting piece, lot or parcel of land in front of which such sidewalk so repaired shall lie; and no notice, other than the general published notice hereinbefore provided for shall be necessary to charge the abutting property with the expense of such repair.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 436, S.] [Published June 3, 1905.

CHAPTER 278.

AN ACT to amend section 1691 of the statutes of 1898, relating to usury and providing a punishment therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Recovery of treble excess; rate on chattle loans, etc. SECTION 1. Section 1691 of the statutes of 1898 is hereby amended so as to read as follows: Section 1691. Every person who, for any such loan or forbearance shall have paid or delivered any greater sum or value than is above allowed to be received may, by himself or his personal representative, recover in an action against the person who shall have taken or received the same, or his personal representative, treble the amount of the money so paid or value delivered above the rate aforesaid if such action shall be brought within one year after such payment or delivery. And any person who shall ask, demand, receive, take, accept or charge more than ten per centum per annum upon the sum of money actually loaned for the forbearance, use or loan thereof, when the repayment of the money loaned shall be secured by chattel mortgage, bill of sale, *pledge,* receipt or other evidence of debt upon chattel goods or property, *or by assignment of wages,* or ask, demand, receive, take, accept or charge more than an amount equal to fourteen per centum per annum of the sum so actually loaned and secured in full for all examinations, views, fees, appraisals, commissions, renewals and charges of any kind or description whatsoever in the procuring, making and transacting of the business connected with such loan, shall be *guilty of a misdemeanor and upon conviction thereof shall be* punished by a fine of not less than *twenty-five* dollars nor more than *three hundred* dollars, *or by imprisonment not more than six months, or by both such fine and imprisonment.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 509, A.] [Published June 3, 1905.

CHAPTER 279.

AN ACT relating to the obstruction of rivers, canals, water channels and slips.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Removal of obstructions. SECTION 1. The common council of every city, or board of trustees of every village, in this state, are hereby authorized to remove any boat, water craft or float obstructing or interfering with the free use for navigation of any river, canal, water channel, or slip within its harbor after having given reasonable notice to the owner or agent, if known and a resident of the state, to so remove such boat, water craft or float; and may by ordinance or resolution authorize and empower the harbor master, or other public officer performing such duties, to remove such obstruction; and to designate and perscribe his duties, and the manner and form of carrying into effect the powers hereby granted and provide penalties for the violation thereof and failure to comply therewith.

Costs of removal to constitute lien. SECTION 2. All costs, charges, and expenses of moving any boat, water craft or float shall be a lien on said boat, water craft or float, and the proper officer or officers of every city or village are authorized and empowered to enforce the payment of such lien in the manner provided by law. The owner or owners of any such boat, water craft or float shall also be personally liable for such costs, charges and expenses, to be recovered by such city or village by a suit as in personal actions.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 525, A.] [Published June 3, 1905.

CHAPTER 280.

AN ACT relating to the inspection of gasoline boats, steam boats and other vessels on inland waters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Municipalities may provide for inspection. SECTION 1. All cities, towns and villages of the state are hereby empowered to provide for the inspection and when so provided to inspect at least once in every year the hull, boiler and machinery on board of every vessel in this state, used or intended to be used upon inland waters of the state, and not within the jurisdiction of the laws of the United States.

Regulations and enforcement thereof. SECTION 2. All cities, towns and villages of this state are hereby empowered to make such reasonable safety regulations as they see fit relating to said vessels and the equipment thereof and to enforce said regulations and to provide and enforce proper and reasonable penalties for the violation or neglect of any such provisions or regulations or ordinances.

To what vessels to apply. SECTION 3. The foregoing provisions shall apply to all vessels propelled by steam, gasoline, naphtha, electricity, or in any other manner other than by hand power used for the public transportation of passengers and freight on inland waters of this state and not within the jurisdiction of the laws of the United States.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 713, A.] [Published June 3, 1905.

CHAPTER 281.

AN ACT to prevent the unauthorized presentation of dramatic plays and musical compositions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for unauthorized presentation of dramatic plays, etc. SECTION 1. Any person who sells a copy or a substantial copy, or who causes to be publicly performed or represented for profit, any unpublished or undedicated dramatic play or musical composition, known as an opera, without the written consent of its owner or proprietor, or, who, knowing that such dramatic play or musical composition is unpublished or undedicated, and, without the written consent of its owner or proprietor, permits, aids, or takes part in such a performance or representation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars, or by imprisonment not exceeding sixty days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 731, A.] [Published June 3, 1905.

CHAPTER 282.

AN ACT to amend section 2625, of the statutes of 1898, relating to change of place of trial of civil actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Change of venue for prejudice of judge; calling in judge. SECTION 1. Section 2625 as amended by chapter 101, laws of 1901, is hereby amended so as to read as follows: Section 2625.

The court shall change the place of trial of any action or special preceeding upon the application of any party thereto, who shall file his affidavit, that he has good reason to, and does believe, that he cannot have a fair trial of such action or proceeding on account of the prejudice of the judge, naming him, or in lieu of granting such application, such judge may in his discretion retain such action or proceeding in the same court without entering an order changing the place of trial until the last day of the then current term, if the application is made at a term at which the action is triable or the next term if it is made in vacation; and in the meantime shall call upon some other circuit judge or judges to attend and hold court during such current or next term for the purpose of exercising jurisdiction in all actions and proceedings in which applications for change of the place of trial have been made for such reason. And while so in attendance, said judge may make all orders and hear all applications and motions that may be brought on for hearing during the time he shall so attend. If such other judge or judges (as may be necessary or convenient) can so attend and hold court for such purpose, at either such terms, the same shall be done with the same effect as if a change of venue to another circuit and a trial of such action or proceeding had been had therein; but if no such judge shall so attend, an order for a change of the place of trial shall be entered in each action and proceeding, wherein proper application has been made, on the last day of such term, and thereupon such change shall be made. If such application shall be made after any continuance in the action or proceeding obtained by the party filing such affidavit, it shall be granted only upon payment of the costs of making the same and the costs of the term, but no costs for the attendance of witnesses shall be included if notice of the application, with a copy of such affidavit, shall have been served upon the opposite party *at least* ten days before the commencement of the term. But one change of the place of trial shall be granted to the same side under the provisions of this section. *Unless any judge called in pursuant to this section shall attend and begin the trial of such action or proceeding as early as the opening of court on the second day after the action or proceeding is reached for trial in its regular order, the action or proceeding shall not be subject to be called for trial, without consent of the parties, until such judge shall give to the clerk of the court five days notice of the time when he will so attend,* and such clerk shall give to the attorneys of record of all the parties to the actions and proceedings in which application for a change of the place

of trial have been made, immediate notice of the time when such judge will so attend.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 31, A.] [Published June 3, 1905.

CHAPTER 283.

AN ACT to create the town of Oulu in Bayfield county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory embraced. SECTION 1. Township number forty-eight, north of range nine, west, heretofore being within the town of Iron River, in the county of Bayfield, is hereby set off and detached from said town of Iron River and shall constitute and be known as the town of Oulu.

Apportionment of indebtedness. SECTION 2. Said town of Oulu shall be chargeable with such proportion of the indebtedness heretofore incurred by said town of Iron River, as the value of the territory constituting said town of Oulu bears to the whole of said town of Iron River, based upon the assessment roll of 1895 of said town of Iron River.

Apportionment of credits. SECTION 3. Said town of Oulu shall receive from said town of Iron River its just share of the credits of said town which shall be apportioned in like manner as the indebtedness.

First meeting held legalized. SECTION 4. The first meeting heretofore held in said town on the first Tuesday of April, 1905, is hereby in all respects legalized.

When town deemed duly organized. SECTION 5. Upon the election and qualification of its officers, said town of Oulu shall

possess all the rights and privileges of towns under the general law.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 267, A.] [Published June 3, 1905.

CHAPTER 284.

AN ACT to amend chapter 317 of the laws of 1903, relating to the investment of trust funds by executors, guardians and trustees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trust funds may be invested, how. SECTION 1. Section 1 of chapter 317 of the laws of 1903 is hereby amended so as to read as follows: Section 1. Every executor, guardian or trustee, except where it is otherwise expressly directed by the will or instrument of trust, if any, may invest trust funds in governmental and real estate securities, as provided by law, and also * * * in the bonds of *Wisconsin,* Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Ohio, Michigan, Illinois, Minnesota and Iowa. In the bonds of any city or village in the state of Wisconsin, and also in the bonds in any city in any other of the said states having a population of not less than twenty-five thousand provided that such city or village shall not have defaulted in the payment of any of its bonded indebtedness during ten years immediately preceding such investment. In the mortgage bonds or preferred stock of any steam railway or railroad corporation in the United States owning and operating not less than five hundred miles of track, which has paid dividends upon its entire capital stock for ten years immediately preceding such investment. In promissory notes, which are or may be amply secured by pledge of any of the bonds, stocks or securities in which investment is hereinbefore authorized.

Act construed. SECTION 2. Section 2 of chapter 317 of the laws of 1903 is hereby amended so as to read as follows: Section 2. Nothing herein contained shall be construed to affect the power or jurisdiction of any court of the state of Wisconsin, in respect to trusts and trustees, *nor to affect any powers or authority as to investments conferred by will or other instrument of trust.*

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 482, A.] [Published June 3, 1905.

CHAPTER 285.

AN ACT relating to the examination of persons committed to charitable and penal institutions in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Residence and financial ability to be determined. SECTION 1. There is hereby created and added to the statutes of 1898 a section to be known and to read as follows: Section 584a. Whenever any person shall be brought before the county judge for examination under section 585 of the statutes of 1898, or before the county court for examination and commitment to any of the charitable or penal institutions of the state, or of any county in the state, and for whose support, in whole or in part, any county may be chargeable, the said county judge or county court, shall give due notice of the hearing to the district attorney of the county supposed to be so chargeable, and upon such hearing shall cause to be taken and filed in his office testimony showing the actual and legal residence of such person, his general financial ability, and in case the testimony does not disclose property sufficient to save the county harmless from the expenses of his support, then the general financial ability and residence of any person chargeable with his sup-

port pursuant to law. It shall be the duty of the district attorney so notified to attend all such examinations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 537, A.] [Published June 5, 1905.

CHAPTER 286.

AN ACT to amend section 2, section 9 and section 10 of chapter 397 of the laws of 1903, relating to a pension fund for members of the police departments in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Monthly payments and rewards. SECTION 1. Section 2 of chapter 397 of the laws of 1903 is hereby amended so as to read as follows: Section 2. There shall also be paid into such fund by the members of such department at the time this act takes effect and by all members subsequently acquired the following sums, monthly, to-wit: *two and one-half per cent. of their monthly salary;* also all fines imposed on members for violation of the rules of the department; also all moneys deducted for the time lost by members on account of sickness, and one-half of all moneys received by the city from dog licenses. There shall also be paid and applied to said fund all rewards received and earned by members of such department and all moneys received from sales of unclaimed property.

Pensions to widows or minor children. SECTION 2. Section 9 of chapter 397 of the laws of 1903 is hereby amended so as to read as follows: Section 9. If any member of such police department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty, as described in the preceding section, or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever while in the service, or if any

member shall die from any cause whatever after having been retired upon a pension under the provisions of this act, and shall leave a widow or minor child or children under the age of *eighteen* years surviving, the said board shall direct the payment from said pension fund of the following sum; monthly, to-wit: to the widow of the chief of police, sixty dollars; to the widows of inspectors, fifty-five dollars; to the widows of captains and assistant superintendent of police alarm, fifty dollars; to the widows of lieutenants, detectives, secretary and batteryman, forty-five dollars; to the widows of sergeants, forty dollars; to the widows of patrolmen and linemen, thirty-five dollars; to the guardian of such minor child or children, six dollars for each child until it reaches the age of *eighteen* years; *and in case of the remarriage or death of the widow then the amount that she may be entitled to by the provisions of this act, shall be paid to and for the benefit of such minor child or children of the deceased father as are under the age of eighteen years;* provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his death, or if a retired member, a sum exceeding one-half of the monthly salary of such retired member at the date of his retirement; provided, further, that if a pensioner shall marry after his retirement from service and shall thereafter die, leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

After service of twenty-two years, members may be retired on half pay. SECTION 3. Section 10 of chapter 397 of the laws of 1903 is hereby amended so as to read as follows: Section 10. Any member of the police department of any such city after having served twenty-two years or more in such department, may make application to said board to be retired from such department, or he may be retired by the said board of its own motion; in either of which case the said board shall order and direct that such member shall be paid a monthly pension of a sum equal to one-half of the monthly compensation allowed such member as salary at the date of his retirement. The said

board, upon the recommendation of the chief of police, shall have the power to assign any member retired or drawing pension to the performance of light duties in such department where in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such pension fund other than that prescribed by this act, and in no event shall any allowance be paid to any widow after her remarriage or to any minor child after it attains the age of *eighteen* years.

Conflicting laws repealed. SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 129, A.] [Published June 3, 1905.

CHAPTER 287.

AN ACT to amend section 80 of the statutes of 1898 relating to defective ballots and providing for the preservation of all ballots after being counted by the inspectors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Preservation of ballots by inspectors; county clerk to destroy after sixty days; opening of ballots in case of contest. SECTION 1. Section 80 of the revised statutes of 1898 is hereby amended by striking out the words "forthwith to the proper town, city, or village clerk to be preserved in his office," where the same occurs in lines 9 and 10 of said section, and inserting in lieu thereof the words, "as hereinafter provided;" and further by striking out all of that part of said section 80 after the word "itself" in the 14th line of said section, and inserting the following: "Before separating, the inspectors shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied with-

out breaking the seal, enclose the ballots so strung in a secure canvas covering and securely tie and seal such canvas covering with official wax impression seals, to be provided, by the inspectors in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "defective or objected to" in such sealed canvas covering to the county clerk, and such officer shall carefully preserve said ballots for sixty days and at the expiration of that time shall destroy them by burning without previously opening the package. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept: Provided, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the inspectors in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof," so that when said section is so amended, it will read as follows: Section 80. If any of the ballots cast at any election are found to be so defective that the inspectors cannot determine with reasonable certainty for whom they were cast, and if any were cast by any person who shall have been challenged, and if any shall be decided by a majority of the inspectors to be or not to be defective, the inspectors shall make a statement in writing, in duplicate, certified to be correct and signed by them, of the contents of each of such ballots, attach such statement to the statements of the canvas, and carefully seal up in an envelope all such ballots, and deliver the same *as hereinafter provided.* No ballot shall be regarded as defective by reason of the misspelling of a candidate's name, or by abbreviation, addition, omission or use of the wrong initial of such name, but every ballot shall be counted for the candidate for whom it was evidently intended, if the intention of the voter can be clearly ascertained from the ballot itself. *Before separating, the inspectors shall fold in two folds and string closely upon a single piece of flexible wire, all ballots which shall have been counted by them, except those* marked "objected to," unite the ends of such wire in a firm knot, *seal the knot in such manner that it cannot be untied without*

breaking the seal, enclose the ballots so strung in a secure canvas covering and securely tie and seal such canvas covering with official wax impression seals, to be provided, by the inspectors in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "defective or objected to" in such sealed canvas covering to the county clerk, and such officer shall carefully preserve said ballots for sixty days, and at the expiration of that time shall destroy them by burning without previously opening the package. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good reputation and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept: Provided, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the inspectors in counting or refusing to count any ballot corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 227, A.] [Published June 3, 1905.

CHAPTER 288.

AN ACT to amend section 1319 of the statutes of 1898, as amended by chapter 225 of the laws of 1903, relating to county aid in building or repairing bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County aid in building and repairing; limitation. SECTION 1. Section 1319 of the statutes of 1898, as amended by chapter

225 of the laws of 1903, is hereby amended so as to read as follows: Section 1319. Whenever any town board shall file its petition with the proper county board setting forth the fact that said town has voted to construct or repair any bridge wholly or partly within such town, designating as near as may be the location of such bridge, and further stating that such town has provided for the payment of one-half of the cost of such construction or repairs and that the cost of such bridge or repairs or each bridge exceeds one-eighth of one per centum of all the taxable property in said town according to its last equalized valuation, the said county board shall appropriate the other half of such cost and cause such sum to be levied upon the taxable property of the county as will, with the amount provided by said town, be sufficient to defray the expense of erecting or repairing each bridge so petitioned for, and such money, when collected, shall be paid out on the order of the chairman of the county board and county clerk whenever the said town board and the commissioners hereinafter provided for shall notify them that the work has been completed and accepted. The county board shall, at the time of acting upon such petition, designate *three* of its members who shall act as its commissioners and who shall co-operate with the board of such town; and such board and the said commissioners shall have full charge and authority to act in the letting, inspecting and acceptance of the work; provided, that nothing herein contained shall be construed to prohibit any county board from constructing or repairing any bridge in its county if it shall so desire; and if the whole of the cost of the construction or repairs of any bridge or bridges is to be borne by any county, or any county shall arrange with such town so as to assume and have exclusive charge of such work, then the county board may direct the letting, inspecting and acceptance of such work in such manner as it may deem proper; provided, that nothing herein contained shall authorize the levy of any tax upon the property in any city or incorporated village that maintains *within its corporate limits any bridge or bridges, to construct which it has assessed the taxable property in such city or incorporated village to an amount which equals or exceeds one-eighth of one per centum of all the taxable property in such city or incorporated village according to the last equalized valuation; provided that supervisors from such cities or villages, as maintain their own bridges, shall have no vote upon the granting or determining of such petitions or in providing a tax therefor;*

provided further, that no more than one mill on the dollar of the equalized valuation of the property in any county shall be levied for the aforesaid purpose and for all other county bridges in any one year, and that no order shall be drawn on account of such levy except upon the certificate of the county treasurer that the money produced by said levy has come to his hands to pay such order.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 585, A.] [Published June 3, 1905.

CHAPTER 289.

AN ACT to amend section 9 of chapter 439, laws of 1901, as amended by chapter 285, laws of 1903, relating to state graded schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Districts which may receive state aid for graded schools; conditions to be complied with. SECTION 1. Section 9, of chapter 439, laws of 1901, as amended by chapter 285, laws of 1903, is hereby amended to read as follows: Section 9. The school board of any school district containing within its limits a graded school but no free high school nor a high school of a grade eqdivalent to a free high school,*town free high schools excepted,* may receive special state aid as hereinafter provided upon full compliance with the following conditions:

1. There shall be two classes of *state* graded schools in Wisconsin, known respectively as first class, and second class; all state graded schools of three or more departments shall be in the first class, and all * * * graded schools of two departments shall be in the second class.

2. Schools shall be maintained in the district receiving such aid, at least nine school months, including legal holidays, in each and every department. At least three departments in

schools of the first class and both departments in schools of the second class shall have an average daily attendance of not less than fifteen pupils for the entire school year, to entitle the school to state aid.

3. All persons employed in both classes of graded schools applying for state aid shall be competent teachers and shall hold the following grade of certificate. The principal of a state graded school of the first class shall hold some form of a state certificate. In each school of this class one assistant shall hold a third grade certificate, or a certificate of a higher grade provided such assistant, if holding a third grade certificate, shall have had one year's successful experience as a teacher in the public schools of Wisconsin; one assistant shall hold a second grade certificate, or a certificate of a higher grade, and all other assistants shall hold first grade certificates or certificates of the higher grade. The principal of a state graded school of the second class shall hold a first grade county certificate, or some form of a state certificate, and the assistant shall hold a third grade certificate, or a certificate of a higher grade, provided such assistant if holding a third grade certificate, shall also have had one year's successful experience as a teacher in the public schools of Wisconsin. The word "principal" is hereby interpreted as meaning the teacher of the highest grade or grades in the school who shall have immediate supervision of all the grades; the word, "assistant" is hereby interpreted as meaning each and every teacher in a state graded school other than the principal.

4. The school house or school houses, the outhouses and the grounds, the furniture and equipment, shall be maintained in good condition and kept free from any unsanitary feature.

5. Sufficient equipment, including globes, maps, blackboards, library, and other essentials for the proper work of the school shall be provided by the school district.

6. When the school board of any school district desires to secure state aid for its graded schools, said school board shall make written application for the same to the state superintendent. No graded school shall be entitled to be placed upon the list of state graded schools and to receive special state aid until said school shall have been duly inspected by the state superintendent, or some member of his staff, and found to be fully complying with all the conditions of this act.

7. In order that any graded school may receive special state aid as herein provided, application shall be made to the state

superintendent by the school board before the first day of September preceding the school year for which said special state aid is requested.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 701, A.] [Published June 3, 1905.

CHAPTER 290.

AN ACT to amend chapter 353 of the laws of 1903 relating to increasing the height of a dam on Black River.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location and height of dam; purpose; how rights forfeited. SECTION 1. Chapter 353, laws of Wisconsin for the year 1903 is hereby amended to read as follows:* Section 1. Erwin G. Boynton, Orlando Holway, their heirs, successors or assigns are hereby authorized to build and maintain *upon lands owned by them*, a dam across Black River in Jackson county, Wisconsin, on *the south half of* section number three (3) in township number twenty-two (22) north of range three (3) west in said county and state, of the height of *fifty-five* feet above low water mark, for the purpose of improving the navigation of said river, for the manufacture of flour, feed and other milling products, and the generation and transmission of electric and hydraulic power and to furnish power for other manufacturing purposes or other lawful purposes, *provided that in the event that the dam herein authorized shall be built, the failure at any time thereafter to maintain and operate said dam for a period of two years, shall terminate and fofeit all rights herein granted, and that if at any time the water power acquired under and by virtue of this act shall be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied, in vio-*

*Sections 2, 3, 4, 5, 6 and 7, of ch. 353, laws of 1903, are omitted.

lation of any law of this state or of the United States, such operation or suspension of operation of such water power shall terminate and forfeit all rights under this act.

Charges for power to be reasonable; disagreements to be submitted to arbitration. SECTION 2. *In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulaton of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.*

Franchise, how forfeited. SECTION 3. *The refusal of the owners to submit to arbitration, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee or lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had, of such power or accumulation of water.*

When act to take effect. SECTION 4. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 1, 1905.

No. 22, A.] [Published June 3, 1905.

CHAPTER 291.

AN ACT to amend section 2464 of the statutes of 1898, as amended by chapters 25 and 454 of the laws of 1901, relating to county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Counties in which court may be held at other places than county seat. SECTION 1. Section 2464 of the statutes of 1898 as amended by chapters 25 and 454 of the laws of 1901, is hereby amended so as to read as follows: Section 2464. The county judges of the counties of Columbia, Dodge, Grant, Green Lake, *Jefferson,* Pepin, *Shawano,* Washington, Waukesha, *Walworth and Fond du Lac* may keep their offices and hold special terms of the county court at any time between the times of holding the regular terms and transact any business which might be done at, or which may be continued from, any regular term to such special term at the following places, in their respective counties: in the county of Columbia, at the city of Columbus; in the county of Dodge, at Beaver Dam and Mayville; in the county of Grant, at the city of Platteville; in the county of Green Lake, at Princeton and Berlin; *in the county of Jefferson, at the city of Watertown;* in the county of Pepin, at the village of Pepin; *in the county of Shawano, at the village of Wittenberg;* in the county of Washington, at the city of Hartford; in the county of Waukesha, at the city of Oconomowoc; *in the county of Walworth, at the city of Whitewater; in the county of Fond du Lac, at Ripon and Waupun.*

All orders, judgments and business which shall be made and done at such special terms and places, or as shall have heretofore been so made or done, are declared valid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 181, A.] [Published June 3, 1905.

CHAPTER 292.

AN ACT in relation to re-assessment, when assessment tax or tax proceedings are set aside by order of the court, and amendatory of section 1210b, of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When; how made; evidence; issue; costs, etc. SECTION 1. Section 1210b of the statutes of 1898, is hereby amended so as to read as follows: Section 1210b. In all actions pending or which may be brought in any court of this state, in which either party shall seek to avoid or set aside in whole or in part any assessment, tax or tax proceeding for any cause provided by law, if the court shall be of the opinion, after a hearing in that behalf had, that, for any reason affecting the groundwork of the tax and all the property in any * * * assessment district, said assessment, tax, or tax proceeding should be set aside, *such court* shall immediately stay all proceedings in such action and in all other such actions affecting the assessment, tax or tax proceedings in such * * * district until a re-assessment of the property therein can be made; and the proper officers of *the municipality constituting such assessment district or in which such district is located* shall immediately proceed to re-assess such property in the manner specified in these statutes, and shall levy upon the same the amount of *lawful* taxes for the year in question. Such re-assessment shall be made by the assessor of *such* municipality or assessment district and the assessment roll shall be submitted to and passed upon by the * * * board of review *thereof* in the manner and after like notice as in case of the original assessment. Upon the completion of the review by said board, the clerk of the town, village or city in which the re-assessed district is situated shall extend upon such assessment roll the taxes lawfully levied upon *and apportioned to* the property described therein for such year, and such roll and tax so extended thereon shall be a public record and be prima facie evidence of the amount of tax justly chargeable against *the party seeking to set aside or avoid the original assessment, tax or tax proceeding* and upon the lot or lots, tract or tracts of land respecting which the said action is brought, and shall also be

prima facie evidence of the amount of tax justly chargeable against any and every other person or corporation and every other lot, parcel or tract of land in such tax roll for such year in any legal proceeding that may arise respecting the same. *Such re-assessment and tax roll shall be completed and filed with the clerk of the municipality constituting such assessment district or in which such district is located within ninety days from the date of the entry of such order unless the court upon motion and cause shown shall extend the time therefor. Upon such completion and filing, notice thereof shall be given by such clerk to the clerk of the court in which such action is pending; and such last mentioned clerk shall thereupon give notice thereof to the attorneys for the parties to such action and to the attorneys in all other actions pending in which the validity of such original assessment may be involved. If any party seeking to set aside or avoid the original assessment, tax or tax proceeding* shall desire to contest the validity of such re-assessment, he shall, within twenty days after notice of the completion and filing of *such re-assessment and* tax roll, file with the clerk of the court where such action is pending objections in writing to such re-assessment or tax roll, a copy of which objections shall within five days after such filing, be served upon the attorney for the *opposite party* and thereupon the court may direct an issue to be made up involving the objections aforesaid, which shall be tried summarily by the court, which shall make an order sustaining or overruling such objections. If by such order such re-assessment or tax roll shall be held invalid subsequent re-assessments of such tax may be had in manner and form as hereinbefore provided and similar proceedings may be resorted to, to determine the validity of any such re-assessment; *or the court in its discretion may upon sustaining objections made to any re-assessment, determine and fix the amount of tax which ought justly to be paid by the party or parties contesting such original assessment, tax or tax proceeding, and for that purpose, with or without directing a further issue to be made up, the court may proceed to take such further evidence as may be necessary to make such determination.* If such re-assessment and tax roll shall be held by the court regular and valid or if no objections thereto shall be filed, * * * the court shall make an order requiring *the party or parties contesting the original assessment, tax or tax proceeding* to pay into court, for the use and benefit of the *party entitled thereto* the amount which by such re-assessment he *or they* justly ought to pay. If the amount of tax imposed upon the property *of such contesting party* by such valid

re-assessment, *or by the subsequent determination and order of the court,* shall equal or exceed the amount imposed thereon by the original assessment and tax roll, *the party or parties contesting the validity of such assessment* shall be adjudged to pay the costs of such suit; otherwise, upon complying with the order of the court last aforesaid, *he or they* shall be entitled to judgment with costs; provided, however, that no judgment rendered in any such action shall in any way affect the validity of any tax against any other person than the parties to such action or any tract or parcel of land or other property than that described in complaint therein. In all cases where the boundaries of any town or towns shall have been changed since the assessment was made the re-assessment shall be made by the duly elected and qualified assessor of each organized town wherein the whole or any part of the property to be re-assessed is situated. The value of the re-assessed property shall be fixed, as nearly as may be, as of the day the original assessment was made, and the rules for determining the same shall be those provided by law. A like stay of proceedings and re-assessment shall be ordered in all cases in which a tax which has been re-assessed by any county, town or village board, or common council for one or more years shall be adjudged uncollectable or void for any reason affecting the groundwork of the tax so as to require a re-assessment in order to determine the amount properly due. When such re-assessed tax shall have been levied in different years it shall not be necessary to make separate assessment rolls for each year, but the valuations for each year respectively, may be placed opposite the description of the property on the assessment roll in columns headed with the figures of the year, so that the valuations for each year of re-assessments shall be kept distinct from other years entered upon the tax roll. All the provisions of this section shall apply to the making and completion and to objections and further proceedings in respect to such assessment, and the same shall be treated with respect to each year which it purports to embrace as if it were a separate re-assessment roll for that year. This section shall apply to all actions whether determined upon default or otherwise.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 1, 1905.

No. 34, A.] [Published June 6, 1905.

CHAPTER 293.

AN ACT to authorize the construction of break-waters and protection piers by counties, towns, villages and cities, adjacent to lakes and rivers and to create new sections in chapter 41 of the statutes of 1898 to be known as sections 959—71 to sections 959—78.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of breakwaters authorized. SECTION 1. Section 959—71. The county board of any county, the supervisors of any town, the trustees of any village or the common council of any city of the second, third or fourth class, however incorporated, may by ordinance or resolution adopted for that purpose, construct, maintain and repair such suitable breakwaters and protection piers along the shore of any lake or river adjoining the limits of such municipality or within or without the limits of the county, town, village or city.

Plans and specifications to be submitted. SECTION 2. Section 959—72. When it shall be deemed necessary to construct or repair any such breakwater or protection piers, a plan of such work with specifications and estimates of the costs of the work shall be prepared and presented to the county board of the county or the supervisors of the town, or trustees of the village or common council of the city, and when adopted shall, where required, be submitted to the proper authority of the United States for consent to construct such protection.

Purchase or condemnation of lands. SECTION 3. Section 959—73. For the purpose of this act, the several counties, towns, villages and cities shall have the power to purchase or condemn lands within the limits of the city and without its limits when deemed necessary in order to protect any property situated within such county, town, village or city, under the provision of sections 895 to 904 inclusive, and in the manner therein provided, and section 959—39, statutes of 1898, and acts amendatory thereof.

Special assessment district to be created. SECTION 4. Section 959—74. Before letting the contract for such improvement, the county, town or village board and the common council of any city shall, by ordinance or resolution, create a special assessment district containing all such parts or parcels of land as shall, in their judgment, be benefited by the proposed improvement.

Assessment of benefits and damages. SECTION 5. Section 959—75. After the adoption of the plans for such work and the adoption of an assessment district, the board of public works in cities having such board, and where no such board exists, the officers performing the duties of such board, the county board of the county, supervisors of the town or village trustees, shall in the same manner and with like effect proceed to assess benefits and damages upon property in the assessment district as provided in section 925—178 to 925—183 inclusive of the statutes of 1898, so far as the same is applicable, and the owner shall have the remedy provided for in section 925—184 and 925—185 of said statutes.

Payment of costs in excess of benefits; cost of protecting ends of streets, etc. SECTION 6. Section 959—76. If the balance between the benefits accruing to property within such assessment district shall not be sufficient to pay the costs of the improvement, the balance shall be paid by the county, town, village or city out of any general fund or special fund created for that purpose, and any county, town, village or city shall have the power and authority to issue its negotiable bonds to pay for such improvement in the same manner as the issue of bonds is provided for by section 942—944 inclusive of the statutes of 1898. The cost of protecting the ends of streets, roads and public highways or other public ground or places shall be paid wholly out of the general or special fund of such municipality.

Municipalities may act separately or jointly. SECTION 7. Section 959—77. Whenever the erection of such breakwater or protection piers shall be deemed necessary the same may be done by any county, town, village or city, separately, or by two or more acting together. When two or more municipalities propose the work together in making such improvement they shall first meet and adopt a method of procedure which shall be adopted by resolution of the county, town or village board and common council of any city.

Conflicting laws repealed. SECTION 8. Section 959—78. Any and all acts or parts of acts in any manner conflicting with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 224, A.] [Published June 6, 1905.

CHAPTER 294.

AN ACT to amend section 1210e of the statutes of 1898, as amended by chapter 354 of the laws of 1903, and to create a new section to be known as 1210ee, relating to special assessments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stay of proceedings; new assessment; judgment; costs. SECTION 1. Section 1210e of the statutes of 1898, as amended by chapter 354 of the laws of 1903, is hereby amended so as to read as follows: Section 1210e. If in any action at law for the recovery of damages arising from a failure to make a proper assessment of benefits and damages, as provided by law, or failure to observe any provisions of law, or because of any act or defect in any proceeding in which benefits and damages are assessed, and in any action to set aside any special assessment against property for any of the purposes mentioned in section 1210d, or to set aside any special assessment certificate, special improvement bond, tax sale or tax sale certificate based upon such special assessment, the court determines that such assessment is invalid by reason of a defective assessment of benefits and damages, or for any cause, it shall stay all proceedings in such action until a new assessment thereof be had in the manner herein after mentioned: thereupon the proper city authorities shall proceed *forthwith* to make a new assessment of benefits and damages against the property of the plaintiff as required by law in the case of such original

assessment, and such plaintiff shall have the same right to appeal from such new assessment as he or his grantors would have had from such original assessment. If the plaintiff desire to contest the validity of such new assessment he shall, within ten days after its confirmation by the common council, file with the clerk of the court and serve upon the defendant's attorney his objections to such new assessment; and thereupon the court shall direct an issue to be made involving the objections aforesaid, try the same summarily and file an order sustaining or over-ruling the objections of the plaintiff. If by such order such new assessments be held invalid, subsequent assessments may be made in like manner and similar proceedings resorted to to determine the validity of such assessment. When the amount to be assessed against the plaintiff's property has been finally determined by an assessment of benefits and damages, which the court shall hold to be valid, or when an appeal is taken, the court shall make an order, requiring the plaintiff to pay into court, within a time to be fixed by such order, for the benefit of the parties entitled thereto, the amount which, based upon such valid new assessment, he ought to justly pay, or which should be justly assessed against the property in question; upon compliance with said order, judgment shall be entered for the plaintiff with costs. If the plaintiff fails to comply with such order the action shall be dismissed with costs.

When stay of proceedings to be set aside and hearing continued; judgment; costs. SECTION 2. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 1210ee. Where, in any action at law or suit in equity for any of the purposes mentioned in sections 1210d and 1210e, of the statutes of 1898, and the various acts amendatory thereof, and the court in which any such action or suit shall be pending shall have stayed proceedings therein, and ordered a new assessment of benefits and damages as therein provided, and a new assessment has been made pursuant thereto which is valid so far as the regularity of the proceedings is concerned, but wherein the plaintiff may feel aggrieved by reason of the amount assessed for benefits and damages, or either of them, such court shall, upon the verified petition of the plaintiff to that effect being presented to it, after notice of not less than ten days, to the opposite party or parties, set aside the stay of proceedings theretofore granted, and proceed with the hearing of said cause, in its regular order, as hereinafter provided. It shall not be necessary for the

plaintiff in any such action to appeal from such assessment of benefits and damages in order to have a determination as to the proper amount thereof, but the court in which any such action or suit may be pending, as set forth in the preceding section hereof, shall have full power and jurisdiction to proceed with the hearing and determination thereof, with the same force and effect as if no stay of proceedings had been granted or a new assessment ordered, according to the law of the land and the procedure of the courts, and render final judgment between the parties. If, upon such hearing and determination the court shall find that the amount assessed for benefits against the property of the plaintiff is too great or the amount assessed for damages is too small, the plaintiffs shall be entitled to recover costs; otherwise the opposing party shall be entitled thereto. And if any balance be found due from the plaintiff upon such hearing and determination, the court shall make an order requiring the plaintiff to pay into court, for the benefit of the party entitled thereto, within the time in said order fixed, the amount which said court shall decide the plaintiff shall justly pay, as a condition for the entry of judgment in his behalf.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 172, S.] [Published June 6, 1905.

CHAPTER 295.

AN ACT amending chapter 231 of the laws of 1895 and relating to the jurisdiction, procedure, powers, and the judge of the municipal court for Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name of court changed. SECTION 1. That chapter 231 of the laws of 1895 be, and the same hereby is, amended by changing the name of the "municipal court of Lincoln county" to the name of "*superior court of Lincoln county,*" and wherever in said act the name "municipal" appears, there shall be and hereby is substituted therefor the term "*superior,*" and wherever in any other existing statutes, said court is referred to as the municipal court of Lincoln county, such reference shall hereafter be deemed and construed to be to the superior court of Lincoln county.

Additional jurisdiction conferred; powers. SECTION 2. There is hereby conferred on the superior court of Lincoln county, in addition to the jurisdiction conferred by chapter 231 of the laws of 1895, jurisdiction equal to and concurrent with the circuit court of Lincoln county in all civil actions and proceedings at law and in equity; provided that said court shall not have jurisdiction of any civil action or proceeding at law or in equity where the amount of debt, damages, penalty or forfeiture sought to be recovered shall exceed $25,000.00, exclusive of interest and costs, and in the exercise thereof said court shall have power to issue all writs, process, and commissions provided by law, or which may be necessary to the due execution of the powers with which it is vested. And the said court shall have all the powers, according to the usages of law and equity, necessary to the full and complete jurisdiction of the causes and the parties and the full and complete administration of justice and to carry into effect its judgments, orders and other determinations, subject to re-examination by the supreme court as provided by law. The said court in term time, and the judge thereof in vacation, shall have power to award

all writs, processes and commissions through the state, returnable in the proper county.

Laws governing circuit court to apply. SECTION 3. All the provisions of law relating to the circuit court and the judges thereof and to the trial of civil actions and proceedings therein shall apply to the superior court and judge thereof in the exercise of the additional jurisdiction conferred by this act, so far as applicable, except as otherwise herein provided and whenever the term "circuit court," "circuit judge," "court," "presiding judge of the circuit court," "judge of the circuit court," "presiding judge" or "judge" shall appear in any statute of the state, the same shall be deemed to apply to the superior court and superior judge in any section within the jurisdiction of said superior court, except as herein otherwise provided.

Court, where held; to be court of record; seal. SECTION 4. Such court shall be held in the city of Merrill, Wisconsin, and when exercising the additional jurisdiction conferred by this act, it shall be held in the court house in said city. Such court while exercising the additional jurisdiction conferred by this act shall be a court of record with a seal; said seal to be designed and procured by the superior judge at the expense of Lincoln county.

Qualifications and liabilities of judge; term; oath; vacancy, how filled. SECTION 5. Said superior judge shall have the qualifications and be subject to the liabilities of the circuit judges. The present municipal judge of Lincoln county shall continue in office as superior judge under this act, until the expiration of the time to which he was elected. His successor shall be elected by the qualified electors of Lincoln county at the spring election in the year 1907, and once every four years thereafter and his terms shall commence on the first Monday of May next following his election. He shall hold his office until his successor is elected and qualified. Before entering upon the duties of such office he shall subscribe and file in the office of the clerk of the circuit court of Lincoln county the constitutional oath of office required of circuit judges. Vacancies in such office shall be filled in the same manner as vacancies are filled in the office of the county judge of Lincoln county.

Salary of judge. SECTION 6. The superior judge shall receive a salary for his services performed under this act, to be fixed by the county board of supervisors of Lincoln county at its next regular meeting, and thereafter at the annual meeting of the county board in November preceding the election of the superior judge; provided that until the county board shall fix said judge's salary, he shall receive the sum of $1,200 per annum, payable monthly out of the county treasury.

Who may hold court in absence of judge; powers of court commissioners. SECTION 7. Any presiding judge of a court of record of this state, other than county judges, may hold court as the judge of said superior court and may be called to hold such court in case of the absence, sickness, disqualification, or disability of the said superior judge, or upon his request, and while so doing, said circuit judge shall have the same powers as if elected the judge of said court. Any judge so called in shall be paid his expenses in the same manner as is now provided for the payment of expenses of a circuit judge similarly called in. Circuit court commissioners shall have the same powers relating to actions in the superior court as they have relating to actions in the circuit court.

Clerk; oath, bonds, powers and duties. SECTION 8. The clerk of the circuit court for Lincoln county and his deputy shall be clerk and deputy, respectively, of such superior court. Such clerk, in addition to his oath and bond as clerk of the circuit court, shall file an additional oath of office as the clerk of said superior court, and shall execute and file with the county clerk a bond with at least two sureties to be approved by such clerk in such sum as such superior judge shall designate, conditioned that he will pay over to the proper persons all fines and penalties, suit taxes and other moneys in his hands as required by law and the order of said court, and will faithfully perform the duties of said office as required by law. Said clerk shall have all the power and perform all the duties with reference to said superior court under this act in the same manner as the clerk of the circuit court has and does for that court, except as otherwise herein provided.

Docketing judgments. SECTION 9. He shall docket all judgments rendered in said court under this act in the same manner as circuit court judgments are docketed and in the same judgment dockets, and the judgments when so docketed shall be

liens and enforced throughout the state, in the same manner as judgments of the circuit court.

Appeal; appellate and supervisory jurisdiction. SECTION 10. No appeal to the circuit court in any cause or proceeding tried or determined in said superior court, in accordance with circuit court procedure, shall be made or allowed, but all orders or judgments made or rendered therein may be removed to and reviewed by the supreme court in the same manner that orders and judgments of the circuit court may be. Said superior court shall have the same appellate and supervisory jurisdiction as the circuit court of Lincoln county and co-ordinate with said circuit court except in respect to actions and proceedings in said superior court begun and prosecuted therein according to justice court procedure and in criminal actions, and except that no appeal shall be taken to the superior court without consent of the successful party in the lower court, such succcessful party shall within three days after the entry of judgment in his favor in the lower court file in said lower court his election of the court to which the appeal shall run if any appeal be made and in case of neglect so to do shall be deemed to have consented to allow the appellant to elect to which court the appeal shall run. And in any civil action pending in any justice court, county or municipal court in Lincoln county, if the defendant shall at the time and manner provided in sections 3619 and 3620 Wisconsin statutes, make an affidavit that the title of land will come in question, and give a bond of the amount and form there provided, said action shall, upon the election of all the parties to the action to be forthwith expressed be removed to the superior court, otherwise to the circuit court and all the provisions of sections 3621 and 3622 shall apply to the superior court the same as to the circuit court and the case shall if removed thereto proceed in the superior court according to the same procedure as if said case was removed on such issue to the circuit court.

Change of venue. SECTION 11. In any action in the superior court, of which a circuit court would have jurisdiction, any change of venue on grounds other than the prejudice or other disqualification of the judge may be made to any circuit to which the same might be sent, if such action were pending in the circuit court for Lincoln county and the change of venue made by that court. Any change of venue on account of prejudice or other disqualification of the judge shall be made either to the circuit court of Lincoln county or of any county of an adjoining circuit as the court shall order.

JURIES.

Jury commissioners; list of jurors. SECTION 12. The jury commissioners appointed by the circuit judge shall also act as jury commissioners of the superior court. As soon as may be after the passage and publication of this act, the superior judge shall notify the jury commissioners of the county to certify two lists of 100 names each of citizens qualified to act as jurors in the circuit court; one of said lists to be selected from citizens of the city of Merril and the other list to be selected from citizens of the county at large and no name shall be placed in both boxes at the same time. When either list becomes reduced to 24 names, the superior judge shall notify said jury commissioners to replenish the list, and the jury commissioners shall certify, as before, sufficient names to bring the total up to 100. The names of each juror certified shall be written on a slip of paper and sealed in an envelope and deposited in boxes to be provided for that purpose by the clerk, one of said boxes to contain the list of city jurors and the other box to contain the list of jurors selected from the county at large; and said envelopes shall not be opened by any person or the names of the jurors revealed by the commissioners until drawn out of the box as herein provided.

Demand for jury; notice; drawing jury. SECTION 13. A jury may be demanded by either party not less than eight days before the day set for the trial of the case, by service of a written notice on the attorney for the opposite party, which notice shall fix the time, not less than one nor more than three days before the day set for trial, for drawing a jury as hereinafter provided; and if not so demanded, the jury shall be deemed to have been waived. If obejction be made at the time fixed for drawing a jury that the issues are not triable by jury the court shall forthwith determine whether a jury shall be drawn. Whenever a jury is demanded by either party, in any case where a jury might be demanded in the circuit court, the clerk shall, at the fixed time in the notice and in the presence of the parties or their attorneys, draw six names from the box containing a list of jurors made up from the city of Merrill, and from the list of names so drawn, each party shall be entitled to strike three names beginning with the party demanding the jury and proceeding alternately until each party has struck, or waived the striking of, three names. Provided that as fast as a name shall be struck from the list, the clerk shall draw an additional

name from the box until the panel is complete. The clerk shall issue one venire containing the six names remaining on the list, returnable at the time set for the trial of the case, which venire shall be delivered to the sheriff and the sheriff shall proceed to summon the jury.

Manner of drawing jury in certain cases; pay of jurors and officers. SECTION 14. In case the city of Merrill is a party, and in any case when demanded by either party, the clerk shall draw the jury from the box containing the list of jurors selected from the county at large, and such jury shall consist of twelve instead of six jurymen and the jury shall be otherwise selected and summoned as above provided. In case a juror cannot be found, or is excused, the clerk shall draw additional jurors from the box containing names of jurors from the county at large unless the parties agree to try the case with such additional jurors drawn from the box containing names of jurors from the city of Merrill or with such jurors as remain. When the jury has been secured, the clerk shall return to the jury box the names of all jurors struck, or that failed to serve, and the names of those jurors that serve, or are found exempt from jury duty, shall not be returned to said jury box, until again certified by said jury commissioners. Jurors and officers shall receive the same pay as in the circuit court.

Expenses, how paid. SECTION 15. All compensation of jurors, court reporters and officers and other court expenses shall be paid on the order of the superior judge out of the treasury of Lincoln county, according to the practice in circuit court.

When court shall be open; notice of trial; continuances and adjournments. SECTION 16. Such court shall be open for business on all secular days, except as the judge thereof may otherwise order, from the commencement of any regular term until the next regular term and no adjournment from day to day shall be necessary to the validity of any proceeding in said court under this act; but no per diem shall be allowed under this act to any officer for attending said court, except on days when said court is actually in session, transacting business as a court of record. Any action proceeding according to circuit court procedure and any appeal pending in said court may be brought on for trial at any time by consent of parties, or after issue is joined, on fifteen days' notice in writing by either party, specifying the date for trial, which date, however, shall first be approved by the judge. Continuances or adjournments may be

granted for cause, or by stipulation of the parties on the same terms as in circuit court, and shall be to a day certain unless the parties stipulate otherwise, and when set for trial on a day certain, no additional notice of trial need be given. Applications for continuance may be brought on for hearing by order to show cause at any time after the cause is noticed for trial.

Regular term. SECTION 17. There shall be held at least one regular term of said court each year; and the time of holding the same shall be fixed by the judge as soon after the passage and publication of this act as practicable, and the term so fixed shall, continue to the next regular term unless adjourned by the judge.

Construction of act. SECTION 18. Nothing contained in this act shall be construed as enlarging or restricting the powers of the court or judge when or while exercising the jurisdiction and powers conferred by chapter 231 of the laws of 1895, nor as changing the procedure or practice of said court or judge in any action or proceeding of which said court or judge had jurisdiction before the passage of this act; but such action and proceedings in said court or before said judge shall be had, tried or conducted under the provisions of law existing and applicable before the passage of this act.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 128, A.] [Published June 6, 1905.

CHAPTER 296.

AN ACT to compel manufacturers and owners of corn huskers and shredders to provide the same with safeguards against accident, and fixing a penalty for violation of this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Safety devices to be provided. SECTION 1. No person, firm or corporation shall offer or expose for sale any machine to be operated by steam or other power, for the purpose of husking or shredding corn or corn stalks unless the said machine shall be provided with reasonable safety devices for the protection from accidents from the snapping rollers, and shall be so guarded that the person feeding said machine shall be compelled to stand at a reasonably safe distance from the snapping rollers.

Unlawful to operate machine while safety device detached. SECTION 2. It shall be unlawful for any person, firm or corporation owning such machine to use, operate or permit to be used or operated any such machine while the safety devices or guards are detached.

Name of manufacturer to be marked on machine. SECTION 3. No such machine shall be sold or offered or exposed for sale unless the said machine shall have plainly marked upon it the name and location of the person, firm or corporation manufacturing the same.

Penalty. SECTION 4. Any such person, firm or corporation who shall violate any of the provisions of this act shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense.

Enforcement of act. SECTION 5. It shall be the duty of the commissioner of labor, the factory inspector, or any assistant factory inspector to enforce the provisions of this act, provided that nothing herein contained shall be construed to authorize such commissioner, inspector or assistant inspector to select or compel the adoption of any particular or special safety device, and that the question of the reasonable safety of any

such devise used by any manufacturer shall be subject to judicial determination.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 290, A.] [Published June 6, 1905.

CHAPTER 297.

AN ACT to amend section 4607i of the statutes of 1898, relating to the sale of vinegar and fixing standards therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Standard for vinegar; sale of impure; branding barrels, etc.; penalty. SECTION 1. Section 4607i of the statutes of 1898 is hereby amended so as to read as follows: Section 4607i.* *No person shall sell, manufacture for sale, offer or expose for sale or have in his possession with intent to sell as apple, orchard, or cider vinegar, any vinegar which has not been made exclusively by the fermentation of pure apple juice, known as apple cider; or vinegar which contains any foreign substance whatsoever; or vinegar which shall contain less than 4 per centum by weight of absolute acetic acid; or vinegar which shall be found to contain less than one and three-fourths per centum by weight of pure cider vinegar solids upon full evaporation at two hundred and twelve degrees Fahrenheit; and no person shall sell, offer or expose for sale or have in his possession with intent to sell any cider vinegar unless each barrel, cask or keg containing the same be plainly stenciled or branded on one head of said barrel, cask or keg, in black letters and figures at least one inch in height, with the words "Cider Vinegar," together with the name and place of business of the manufacturer thereof, and the strength of the vinegar contained in said barrel, cask or keg, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar. And no person shall manufacture for sale, offer or expose for sale, or have in his possession with intent to sell, or sell, any vinegar which shall be adulterated*

*Entire section is rewritten.

within the meaning of sections 4600 and 4601 of the statutes of 1898, and laws amendatory thereof; or any vinegar which shall contain less than four and one-half per centum by weight of absolute acetic acid; or vinegar which shall contain any artificial coloring matter, or any preparation of lead, copper, sulphuric or other mineral acids, or any acid made from the distillation of wood or any ingredient injurious to health. And no person shall sell, offer or expose for sale or have in his possession with intent to sell any vinegar (except cider vinegar) made by fermentation without the intervention of distillation unless each barrel, cask or keg containing the same be plainly stenciled or branded on one head of said barrel, cask or keg, in black letters and figures at least one inch in height, with the name and place of business of the manufacturer of said vinegar and the strength of the vinegar contained in said barrel, cask or keg, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar, together with the words "Fermented Vinegar" and the true name of the fruit or substance from which said vinegar is made. And no person shall sell, offer or expose for sale or have in his possession with intent to sell any vinegar made wholly or in part from distilled liquor unless each barrel, cask or keg containing the same be plainly stenciled or branded on one head of said barrel, cask or keg, in black letters and figures at least one inch in height, with the words "Distilled Vinegar," together with the name and place of business of the manufacturer thereof and the strength of the vinegar contained in said barrel, cask or keg, which strength shall be denoted by the per centum by weight of absolute acetic acid contained in said vinegar.

Any person who shall be found guilty of violating any of the provisions of this section shall forfeit to the state of Wisconsin the sum of not less than twenty-five dollars nor more than one hundred dollars for each such violation. Provided that this act shall not be construed as prohibiting the sale of any vinegar by the manufacturer for shipment and use outside the state. Provided, however, that nothing herein contained shall be held to prohibit the coloring of vinegar by the use of burnt sugar, or the sale or offering for sale of the same until on and after July 1st, 1906.

SECTION 2. This act shall take effect and be n force from and after January 1st, 1906.

Approved June 3, 1905.

No. 334, A.] [Published June 6, 1905.

CHAPTER 298.

AN ACT to provide a plan for a history of Wisconsin's part in the civil war.

WHEREAS, The history of Wisconsin's soldiers in the civil war is one of which every citizen of the state is justly proud; and

WHEREAS, It is necessary to make some provision for recording same while many of the actors therein are still living; THEREFORE,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners named to devise plan. SECTION 1. The governor, the head professor of American history in the state university, the secretary of the state historical society, the secretary of the state free library commission, and one Wisconsin soldier to be selected by the Grand Army of the Republic of this state at its next annual encampment, are hereby named to constitute a commission for the purpose of devising a plan to provide for the preparation of the history of Wisconsin soldiers in the civil war and to report such plan to the legislature at its next session. Such commissioners shall receive no fee or salary for such work.

Printing and supplies. SECTION 2. With the consent of the governor the printing commissioners may order printed such circulars and the state superintendent of public property may furnish such supplies as may be necessary for the use of such commission.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 392, A.] [Published June 6, 1905.

CHAPTER 299.

AN ACT to amend section 1557 of the statutes of 1898 relating to the sale of liquor to minor, intoxicated person or near hospital.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale to minor, intoxicated person or near hospital. SECTION 1. Section 1557 of the statutes of 1898 is hereby amended so as to read as follows: Section 1557. Any keeper of any saloon, shop or place of any name whatsoever for the sale of any strong, spirituous or malt liquors to be drank on the premises, in any quantity less than one gallon, who shall sell, vend or in any way deal or traffic in or, for the purpose of evading any law of this state relating to excise or the sale of intoxicating liquors, give away any spirituous, ardent, intoxicating or malt liquors or drinks in any quantity whatsoever to or with a minor or to any person intoxicated or bordering on a state of intoxication, and any person whatever who shall procure for or sell or give away to any minor or intoxicated person any such liquors or drinks shall be punished by a fine of not less than five dollars nor more than fifty dollars or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment; *except in cases where the offense is that of selling liquor to a minor seventeen years of age or under, the guilty person shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment in the county jail not less than five days nor more than eight months, and in all cases of conviction for a second or any subsequent offense by such imprisonment only.* No person shall sell or in any way deal or traffic in or, for the purpose of evading the law, give away any such liquors or drinks in any quantity whatsoever within one mile of either of the hospitals for the insane; and any person who shall so sell or give away any such liquors or drinks shall be punished by a fine of not less than ten dollars nor more than fifty dollars or by imprisonment in the county

jail not to exceed sixty days or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 551, A.] [Published June 6, 1905.

CHAPTER 300.

AN ACT to amend section 2, section 9, section 10 and section 11 of chapter 165, of the laws of 1903, relating to a pension fund for members of the fire department in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Monthly payments; fines. SECTION 1. Section 2 of chapter 165 of the laws of 1903 is hereby amended so as to read as follows: "Section 2. There shall also be paid into such fund by each and every member of such department, at the time this act takes effect and by all members subsequently acquired, during their term of service the following sums monthly, to-wit: *two and one-half per cent of their monthly salary; also all fines imposed on members for violations of the rules of the department, and all moneys deducted for time lost by members on account of sickness.*"

Pensions to widows, etc. SECTION 2. Section 9 of chapter 165 of the laws of 1903, is hereby amended so as to read as follows: "Section 9. If any member of such fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty or any disease contracted by reason of his occupation or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever, after having been retired upon a pension under the provisions of this act, and shall leave a widow or minor child or children under *eighteen* years

of age surviving or being unmarried shall leave a dependent father or * * * mother, the said board shall direct the payment from said pension fund of the following sums monthly, to-wit: To the widow of the chief engineer of the department, sixty dollars; to the widows of the assistant chief engineers and assistant superintendent of fire alarm telegraph, fifty-five dollars; to the widow of * * * superintendent of machinery and apparatus, fifty dollars; to the widow of any captain, engineer, pilot and secretary, forty-five dollars; to the widow of any lieutenant, assistant engineer and fireman, forty dollars; to the widow of any pipeman, truckman, lineman and drivers, thirty-five dollars; to the guardian of such minor child or children, six dollars for each child until it reaches the age of *eighteen* years; to the dependent father or mother * * * in any case only to one of them such sum or sums as the widow would be entitled to as aforesaid; *and in case of the remarriage or death of the widow, then the amount that she may be entitled to by the provisions of this act shall be paid to and for the benefit of such minor child or children of the deceased father as are under the age of eighteen years;* provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half *of* the amount of the monthly salary of such deceased member at the time of his death, or if a retired member, a sum not exceeding one-half of * * * the monthly salary of such retired member at the date of his retirement; provided, however, that if a pensioner shall marry after his retirement from service and shall thereafter die, leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then and in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries."

Retired firemen's pensions. SECTION 3. Section 10 of chapter 165 of the laws of 1903 is hereby amended so to as read as follows: "Section 10. Any member of the fire department of any such city having served twenty-two years or more in such department, may make application to said board to be retired from such department, or he may be retired by the said board on its own motion; in either which case the said board shall order and direct that said member shall be paid a monthly pension of a sum equal to one-half the monthly compensation al-

lowed such member as salary at the date of his retirement. The said board upon the recommendation of the chief engineer shall have the power to assign any member retired or drawing a pension to the performance of light duties in such department when in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such fund other than that prescribed by this act, and in no event shall any allowance be paid to any widow after her remarriage or to any minor child after it attains the age of *eighteen* years."

Persons eligible to benefits. SECTION 4. Section 11 of chapter 165 of the laws of 1903 is hereby amended so as to read as follows: "Section 11. This act shall apply to all members of the fire departments, except the * * * operators in the fire alarm service, who are now or who shall hereafter become members of any such fire departments; *and shall be applicable to all members of such department who may have served for a period of twenty years or upwards continuously as members of the police department of any such city; and the time such members shall serve as members of the police department shall be counted and considered as service in the fire department under the terms of this act.* And all such persons shall be eligible to the benefits secured by this act. And all retired firemen, or the widows, parents, children or executors of any deceased firemen now drawing pensions under chapter 379 of the laws of 1895 shall continue to receive monthly the same sums as they are now receiving and such sums shall hereafter be paid to them by the treasurers of such cities as provided by said chapter 379 of the laws of 1895."

Conflicting laws repealed. SECTION 5. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 3, 1905.

No. 791, A.] [Published June 6, 1905.

CHAPTER 301.

AN ACT to amend section 94, S, statutes of 1898, as amended by section 1, chapter 7, laws of 1899 and section 4, chapter 10 of the laws of 1903, and section 2441, statutes of 1898, as amended by section 2, chapter 7 of the laws of 1899, as amended by section 1, chapter 91 of the laws of 1905, relating to election of county judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointments to fill vacancies. SECTION 1. Amend section 1 of chapter 91 of the laws of 1905, by striking out of lines 31, 32 and 33 of the enrolled bill, the sentence, "All county judges heretofore appointed to fill vacancies, shall hold and continue in office until the first Monday of January, 1906."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 6, 1905.

No. 355, S.] [Published June 7, 1905.

CHAPTER 302.

AN ACT relating to the taxation of banks and to repeal sections 1, 2 and 3 of chapter 102, laws of 1866, as set forth and contained in section 2024, statutes of 1898, and therein designated as sections 1, 2 and 3 on pages 1527 and 1528 of said statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Taxation of bank stock; real estate owned by bank. SECTION 1. The taxation of the shares of stock in incorporated banks as provided in chapter 72 of the laws of 1903 shall be in lieu of all taxes upon the capital, surplus, property and assets of such

banks, except as hereinafter provided, and the taxation of the interests of the owners of the capital of private banks as provided in said act shall be in lieu of all taxes upon the property and assets of such banks, except that no real estate owned by any bank or banking association or constituting the whole or any part of its capital, surplus or assets shall be exempt from taxation.

Laws repealed. SECTION 2. Sections 1, 2 and 3 of chapter 102 of the laws of Wisconsin for 1866, and the provisions of said sections as set forth and contained in section 2024 of the statutes of 1898 and therein designated as sections 1, 2 and 3 on pages 1527 and 1528 of said statutes of 1898, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 329, A.] [Published June 7, 1905.

CHAPTER 303.

AN ACT relating to actions brought for personal injuries occasioned by the negligent omission of employers to guard or protect machinery or appliances, and adding a new section to be known as 1636jj.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What not to constitute defense in certain actions for personal injuries. SECTION 1. A new section is hereby added to the statutes of 1898, to be numbered and to read as follows:

Section 1636jj. In any action brought by an employee or his legal representative to recover for personal injuries, if it appear that the injury was caused by the negligent omission of his employer to guard or protect his machinery or appliances, or the premises or place where said employee was employed, in the manner required in the foregoing section, the fact that such

employee continued in said employment with knowledge of such omission, shall not operate as a defense.

SECTION 2. This act shall take effect and be in force from and after September 1, 1905.

Approved June 5, 1905.

No. 420, A.] [Published June 7, 1905.

CHAPTER 304.

AN ACT to amend chapter 319 of the laws of 1901 entitled "An act to amend section 1778 of the statutes of 1898, in relation to the construction of lines for the use of telegraph, telephone and power transmission companies," and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Telegraph, telephone, power, heat and light corporations; rights, duties and liabilities; in cities and villages. SECTION 1. Section 1 of chapter 319 of the laws of 1901 is hereby amended so as to read as follows: Section 1.* Section 1778 of the statutes of 1898 is hereby amended so as to read as follows: *Any corporation formed under this chapter to build and operate telegraph, or telephone lines or systems for the transmission of heat, power or electric light for public purposes, or to conduct the business of telegraphing, telephoning or transmitting heat, power or electric light for public purposes may, subject to all reasonable requirements and regulations made by any city or village through, across or adjoining which said line, lines or systems may be proposed to be constructed, construct and maintain any such lines or systems with all necessary appurtenances, from point to point, upon, in, along, across or beneath the surface of any public road, highway or bridge or any stream or body of water, or upon the land of any owner consenting thereto, and from tme to time to extend the same at pleasure and for such purposes may also acquire lands, or any interests therein in the manner provided in this act; and may connect and operate its lines or systems with the lines or systems of any*

*Entire section is rewritten.

person or corporation engaged in like business within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light for public purposes. But no such telegraph or telephone line, or heating, power or electric line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any road, highway, bridge, stream or body of water. Whenever the use of any such line shall be abandoned or discontinued the proper corporation shall forthwith take down, dig up and remove all wires, posts, pipes, conduits or other articles; and on failure for three months after such abandonment or discontinuance so to do any person owning land near, over, through or upon which such line shall pass, may take down, dig up and remove the same, or any part thereof, for his own use. Any person, association or corporation owning or operating any telegraph, telephone or power transmission line or heat system for public purposes doing business in this state shall be liable for all damages occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches, messages or the furnishing of power to its patrons for public purposes. Nothing contained in this act shall authorize or empower such telegraph, telephone, electric light, heat or power transmission company, or corporation, to in any manner destroy, trim or otherwise injure any shade or ornamental trees along any such lines or systems except by consent of the owner. Providing, however, that no corporation to build and operate electric light systems or systems for the transmission of steam or hot water for heat, shall have any right hereunder in any city or village until it has obtained a franchise from such city or village, as now provided by law.

Petition. SECTION 2. Section 2 of chapter 319 of the laws of 1901 is hereby amended so as to read as follows: Section 2. Condemnation proceedings may be instituted for the taking by such corporations of rights, easements or interests over bridges and streams, *and in land on or within public highways, roads, streets and alleys, (and in the case of telegraph, telephone, heat and power transmission corporations in and on or within private alleys,)* over, upon or beneath which the line *or system* is, or is to be constructed or located, either by the corporation or any person interested in the land. They shall be commenced by petition to the circuit court or a circuit judge of the county in which the land lies. The petition may be signed and veri-

fied in the same manner as pleadings in the circuit court, and shall contain the following in substance: *The highway, road, street or alley along, underneath or over which the line or system is to be or has been constructed, whether such line or system is to be or has been constructed by running wires and cables upon poles overhead, or by wires, cables or pipes in underground conduits, tunnels, or ways or otherwise; the terminus of the line or system on such property,* if any, and on which side or part of the highway the line *or system* is or will be located: if made by the corporation; that it intends in good faith to use such real estate, and * * * it is required for its use; if made by another, that it is used or is designed by the corporation to be used, for telegraph, telephone purposes or for the transmission of power, *heat or electric light* for public purposes.

Proceedings of commission. SECTION 3. Section 5 of chapter 319 of the laws of 1901 is hereby amended so as to read as follows: Section 5. The commissioners shall take an oath that they will support the constitution of the United States and of the state of Wisconsin, and faithfully discharge their duty as commissioners to the best of their ability. Upon request of the corporation or any person interested in the property described in the petition, and not otherwise, they shall proceed with the performance of their duties, and may adjourn the proceedings, but not more than twice nor more than sixty days in all as to any one case. They shall cause notice of the time and place of their meeting to consider the compensation to which the owner is entitled to be served personally on the owner or other person interested, or his agent, attorney or guardian ad litem, or by leaving the same at his residence, with a person of suitable age and discretion, at least ten days before such meeting. If such party be a non-resident, or his residence is unknown, and have no agent or attorney in the state known to the commissioners, the notice shall be served by publication, in such manner as the court or judge shall direct. Proof of the service of such notice, and the appearance of the parties, shall be filed in the clerk's office. No service of notice of any subsequent meeting, held pursuant to adjournment, shall be necessary. The commissioner or commissioners shall view such of the premises described in the petition as are described in such written request, and hear the allegations of the parties and appraise, ascertain and determine the value of the rights to be taken, and of each separate estate therein, and the damages sustained by the

owner by reason of the taking thereof, and fix the amount of such compensation to be made to each of such owners therefor; and in fixing the amount of such compensation said commissioner or commissioners shall include all damages for the erection, construction and maintenance of a telegraph, telephone, *electric light, power or heat transmission line or system* for public purposes over and along *or beneath* such public highways, roads, streets or alleys, or over such bridges or streams *or overhead or underground,* including such additional wires, *pipes or conduits* as may from time to time be placed on said line *or system* and of replacing the poles, *pipes, conduits or tunnels* from time to time as may be necessary. The commissioners may, in case of dispute, determine the places along said line in which the poles shall be set *or pipes or conduits laid.* And in no case, except where the owner consents thereto, shall poles be set in front of a building occupied for business or residence purposes, unless the commissioners shall find that the same is necessary, and in such case *the* poles shall be placed within four (4) feet of the boundary line or party wall of such building. After the condemnation proceedings have been completed the court may still determine as to whether such line or any pole or fixture thereof might be removed to some other point or place within such public road, street, highway, or alley, or over such bridge or stream, and determine the question as to whether the necessity exists that such pole or other fixture remain in the spot or place theretofore located. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after last viewing any of the property so taken, make and file in the office of the clerk of the circuit court of such county a report of their proceedings concerning such property, making separate reports in relation to the property of each distinct owner and setting forth the award made to each owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the corporation taking *any of the above enumerated rights and easements.* * * *

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 751, A.] [Published June 7, 1905.

CHAPTER 305.

AN ACT regulating automobiles, auto-cars and other similar motor vehicles on the public highways within the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Application for registration; certificate; distinguishing number; fee; duplicate certificate. SECTION 1. No automobile or other similar motor vehicle shall be operated, ridden or driven along or upon any of the public highways of the state unless the same shall have been registered in accordance with the provisions of this act. Application for such registration may be made by mail or otherwise to the secretary of state upon blanks prepared under his authority for that purpose. Blank applications shall be on file in the offices of the county clerks throughout the state. The application shall contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or other similar motor vehicle, including the name of such vehicle, the number, if any, affixed by the maker, the character of motor power and the amount of such motor power stated in figures of horsepower and with such applications shall be deposited a registration fee of one dollar ($1.00). The secretary of state or his duly authorized agent shall then register in a book to be kept for that purpose, the automobile or other similar motor vehicle described in said application, giving to such automobile or other similar motor vehicle a distinguishing number, and shall thereupon issue to said applicant a certificate of registration in duplicate which shall contain the name, place of residence and address of the applicant, the registered number assigned, the date of registration and a brief description of the automobile or other similar motor vehicle so registered. One of said certificates of registration shall always be firmly attached in some accessible place in the automobile or other similar motor vehicle described therein. The secretary of state shall also issue and deliver to such owner an official number plate which shall be of uniform size and design, containing in three inch arabic numerals, followed by the letter "W," the distinguishing number so assigned to said motor vehicle, which said number plate shall be

placed in a conspicuous place on the rear of such automobile or other similar motor vehicle, and be so kept and displayed at all times where the same can be readily and distinctly seen. Upon sale of such automobile or other similar motor vehicle said certifiicate of registration and number plate may be transferred by notification to the secretary of state, giving name and place of residence of the vendee, said notice of sale and transfer to be accompanied by a fee of fifty cents to cover the cost of said transfer. The proper record of all applications and of all certificates issued and transfers thereof made shall be kept by the secretary of state at his office and shall be open to the inspection of all persons during reasonable business hours. Upon satisfactory proof of the loss or destruction of any certificate of registration or number plate, the secretary of state shall issue a duplicate thereof to the owner of such automobile or other similar motor vehicle upon the payment of a sum not exceeding one dollar ($1.00) to cover the cost of such duplicate.

Registration by manufacturer or dealer. SECTION 2. Every manufacturer of, or dealer in automobiles or other similar motor vehicles, may, instead of registering each automobile or other similar motor vehicle owned or controlled by him make application upon a blank provided by said secretary of state for a general distinguishing number or mark, and said secretary of state shall, if satisfied of the facts stated in said application, grant said application, and issue to the applicant one certificate of registration, containing the name, place of business and address of the applicant, and also the general distinguishing number or mark assigned to him in quadruplicate and made in such form and containing such further provisions as said secretary of state may determine; and all automobiles or other motor vehicles owned or controlled by such manufacturer or dealer except those for his own private use shall, until sold or let for hire, be regarded as registered under such general distinguishing number or mark. The fee for such registration, which shall include four distinguishing numbers or marks shall be five dollars ($5.00). Additional duplicate general distinguishing numbers or marks may be obtained by any such manufacturer or dealer upon application to the secretary of state and the payment of an additional fee for each additional duplicate of not exceeding one dollar to cover the cost thereof. Upon satisfactory proof of the loss or destruction of any such certificate or distinguishing number or mark the secretary of state shall issue to such dealer or manufacturer a duplicate thereof upon the payment of a sum not exceeding one dollar ($1.00) to cover the cost thereof.

Speed limit; rules of road to be observed. SECTION 3. No person or persons shall use, operate ride or drive any automobile or other similar motor vehicle along or upon any public highway of this state within the corporate limits of any city or village at a speed exceeding twelve miles per hour, nor on any of the public highways outside the corporate limits of a city or village at a speed exceeding twenty-five miles per hour; provided that in turning corners, in going around curves, at sharp declines, at the intersection of any cross road, and where, for any cause, the view in the direction in which the vehicle is proceeding, shall be obstructed, the speed shall be reduced to such a rate as will tend to avoid danger of accident; the operator, when such vehicle is in motion, shall observe the rules of the road.

Meeting person driving frightened horse; automobile left unattended on highway. SECTION 4. Every person operating an automobile or other similar motor vehicle upon or along any of the public highways of this state shall upon a signal by putting up the hand, or other sign of distress, by a person riding or driving a horse or horses, which shall appear frightened, cause such automobile or other similar motor vehicle to stop all motor power and remain stationary, unless a movement forward shall be deemed necessary to avoid accident or injury, until such horse or horses appear to be under control; and shall if requested, assist such person or persons to pass such automobile or other similar motor vehicle in safety, it being the intent of this act that every reasonable precaution shall be exercised by the operator of any such automobile or other similar motor vehicle to prevent the frightening of such horse or horses and to prevent accident or injury. All motor power shall be stopped on any automobile or other similar motor vehicle while left unattended on the public highway.

Rights of owner or operator on highway. SECTION 5. Every owner and operator of an automobile or other similar motor vehicle shall have equal rights upon all public highways of this state with all other users of such highways, and no person or persons shall unreasonably obstruct or impede the right of travel of such operator or owner while operating, propelling or driving such automobile or other similar motor vehicle. No person or persons shall give a signal or sign of danger or distress or call for assistance upon a person lawfully operating any such automobile or other similar motor vehicle on a public highway without a reasonable cause for so doing.

Lamp to be displayed at night; brakes and signal device. SECTION 6. From one hour after sunset until one hour before sunrise there shall be displayed on the front of every automobile or other similar motor vehicle, while being operated or driven along or upon any public highway of this state, at least one lamp giving a reasonably bright light in the direction in which said automobile or other similar motor vehicle is going; and every such automobile or other similar motor vehicle shall be provided with brakes and a bell, horn or other signal device.

Non-residents. SECTION 7. The provisions of section 1 of this act shall not apply to automobiles or other similar motor vehicles owned by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of such automobile or other similar motor vehicle, or its owner, in force in the state, territory or federal district of their respective residence, and the registration number of such state, territory or federal district shall be displayed on the rear of such automobile or other similar motor vehicle substantially as provided in section one of this act. Non-residents passing through this state from states having no registration as provided in section 1 of this act shall comply with all the provisions of this act.

Penalty. SECTION 8. Any person of persons who shall violate the provisions of section 1, 3, 5 and 6 of this act, except as provided in section 7, shall be punished by a fine of not less than ten dollars and not more than twenty-five dollars; any person or persons who shall violate the provisions of section 4 hereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars.

Local registration and regulation prohibited; act not to apply to certain parks and driveways. SECTION 9. The provisions of this act shall be uniform in operation throughout the state, and no city, village, county, town, park board or other local authorities shall have power to enact, pass, enforce or maintain any ordinance, resolution, rule or regulation, requiring local registration or other requirements inconsistent herewith, or in any manner excluding or prohibiting any automobile or other similar motor vehicle, whose owner has complied with the provisions of this act, from the free and unobstructed use of all public highways, driveways and parkways within the state; but the provisions of this act shall not apply to parks and driveways under the control and management of corporations

organized under and pursuant to the provisions of chapter 55 of the laws of 1899 and the acts amendatory thereof.

Liability of owner. SECTION 10. Nothing in this act shall relieve the owner of any automobile or other similar motor vehicle from liability for damages to any person or persons or property due to the negligent use of his or her automobile or other similar motor vehicle, which may be operated upon any public highway of this state.

Disposition of moneys received from registration fees. SECTION 11. All moneys received from registration fees shall be turned into the state treasury to be applied to pay the expense incurred in carrying out the provisions of this act.

SECTION 12. This act shall take effect and be in force from and after July 1st, 1905.

Approved June 5, 1905.

No. 32, S.] [Published June 7, 1905.

CHAPTER 306.

AN ACT authorizing town boards of supervisors to appoint policemen for camp meetings, literary assemblies and other associations, and amendatory of section 819 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town board, how constituted; duties. SECTION 1. Section 819 of the statutes of 1898, is hereby amended by adding after the word "office" in the seventeenth line thereof, the following, "or if the town shall contain a camp meeting, literary assembly, or other assembly of persons owning or leasing ground for the purposes of holding meetings for moral, religious or educational purposes," so that when so amended, said section shall read as follows: Section 819. The supervisors of each town shall constitute a board, to be designated the "town board of.....:"

and any two shall constitute a quorum except when otherwise provided; they shall have charge of all the affairs of the town not by law committed to other officers; they shall draw orders on the treasurer for the disbursement of money to pay the town expenses and for all other purposes except for the support of schools; they shall have charge of all actions in which the town is a party; see that all penalties and forfeitures for the benefit of the town, all breaches of official bonds to the damage of the town and all injuries to the property of the town are prosecuted for, and the damages and penalties and forfeitures collected and paid to the treasurer. If the town contains an unincorporated village, they may appoint, upon petition of ten resident freeholders, one or more fire wardens of such village, who shall possess the powers and perform the duties prescribed by these statutes to fire wardens in incorporated villages; and if the town contains such a village of not less than three hundred inhabitants, within limits to be designated by the town board and recorded in the town clerk's office, *or if the town shall contain a camp meeting, literary assembly or other assembly of persons owning or leasing ground for the purpose of holding meetings for moral, religious or educational purposes,* they may if the public good requires it, appoint not exceeding three policemen, one superintendent of police and one night watchman, prescribe their duties and make by-laws for their government; and for the purpose of restraining drunkenness, disorderly conduct and the careless use of firearms such board may adopt such by-laws as they may deem expedient, and fix a penalty not exceeding ten dollars for each violation thereof. Such by-laws shall be published in the manner prescribed for the publication of by-laws adopted by town meetings and shall have the same effect as such by-laws. Said policeman, superintendent, and watchman, shall have the same powers as constables. The board of any town in which the town clerk has on file in his office chattel mortgages to secure the payment of not less than one thousand dollars during any year may secure a fireproof safe for the use of such clerk and pay therefor out of the general fund. The chairman of every town board may administer oaths or affidavits in all matters or proceedings coming before such board.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 130, S.] [Published June 7, 1905.

CHAPTER 307.

AN ACT to amend section 471 of the statutes of 1898 relating to assessments in joint school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessments in joint districts. SECTION 1. Section 471 of the statutes of 1898 is hereby amended to read as follows: Section 471.* *In case of a joint school district the assessors of the town, city or village in part embraced therein shall meet at the district school house with their respective assessment rolls at two o'clock in the afternoon of the last Saturday in July of each year for the purpose of comparing and investigating the assessed valuation of the taxable property in the several parts of such district separated by town, city or village lines and shall determine whether the assessed valuation of such property on the assessment rolls be just or not. If considered unjust, they shall determine the relative aggregate valuation of said property in the parts of the district in the several towns, cities or villages comprising it and the proportion of district taxes to be levied upon the property in each of the several parts. If necessary, the assessors may view and inspect the taxable property in the different parts of the district and may examine the owners and other persons under oath as to the value thereof. The school district clerk shall give five days notice by mail to the assessors that the statute requires them to meet at the time and place aforesaid for the purpose of determining the relative value of property in the several parts of the district, but a failure to give such notice shall not excuse the non-attendance of any assessor. Said clerk shall attend such meeting and keep a record of the proceedings. A majority of such assessors shall constitute a quorum for the performance of the duties prescribed in this section. But if any assessor shall be absent from such meeting in attendance upon a like meeting in some other joint district, and shall give information of the fact to such clerk, or if for other reasons there shall be no quorum of assessors, the meeting shall be adjourned to such time as may be necessary to enable all of such assessors to be present, and in such case the clerk shall give notice of such adjournment to each assessor not*

*Entire section is rewritten.

then present in time to enable him to attend such adjourned meeting. Further adjournments may be taken, if necessary, until the duties imposed by this section shall have been performed; and if for any reason there shall be failure to perform such duties without adjournment to a fixed time, the clerk shall call another meeting at a time fixed by him; provided, that final action by said assessors under this section shall be taken not later than the first day of November in the same year. The town, city and village clerks shall allow the assessors to take and use the assessment rolls in the discharge of their duties under this section. If the assessors cannot agree, they shall call to their aid the chairman of the town, the president of the village or mayor of the city so in part embraced in the district, and if the last named officers with the assessors cannot determine the valuation of the property and the proportion of taxes to be levied thereon, they shall call to their aid the chairman of an adjoining town whose vote shall decide the controversy. The determination when made shall be certified in writing to the district clerk. If any assessor or other officer shall refuse or neglect to perform the duties hereby imposed, or to act when called upon as herein provided, he shall forfeit not less than twenty nor more than one hundred dollars. For performing the duties prescribed in this section, the district clerk, each assessor and each town city, or village officer who may be called in shall receive the sum of three dollars, payable out of the treasury of such district upon the order of the clerk thereof drawn upon the district treasurer and countersigned by the director.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 162, S.] [Published June 7, 1905.

CHAPTER 308.

AN ACT to appropriate a certain sum of money to W. W. Gill and Julius C. Sommers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to Surgeons W. W. Gill and Julius C. Sommers of the city of Madison, the sum of forty-three dollars ($43.00) to be paid out of the general fund not otherwise appropriated, for operation and subsequent treatment of Frank Moll, a workman on the capitol, hurt therein May 24th, 1904, by the falling of a brick which severed an artery in his head, necessitating his conveyance by the order of the superintendent of public property to the hospital.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 167, S.] [Published June 7, 1905.

CHAPTER 309.

AN ACT relating to appointment of brevet second lieutenants in the Wisconsin National Guard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain graduates of university of Wisconsin eligible. SECTION 1. The graduates of the University of Wisconsin who have completed four years of military drill and instruction and who shall have served as field officers for the term of one year, shall be eligible to appointment as brevet second lieutenants in the state troops, without pay or emoluments, subject to assign-

ment to duty with the Wisconsin National Guard, at the discretion of the Governor, during the next five years succeeding the date of graduation, provided that they shall first pass the prescribed examination before a board of officers of the Wisconsin National Guard.

SECTION 2. All acts and parts of act in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 694, A.] [Published June 7, 1905.

CHAPTER 310.

AN ACT amendatory of section 925—139 of the statutes of 1898 as amended by chapter 201 of the laws of 1903, relating to board of review.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of review—how constituted. SECTION 1. Section 925—139 of the statutes of 1898, as amended by chapter 201 of the laws of 1903, is hereby amended so as to read as follows: Section 925—139. In cities of the first class, the mayor, clerk, tax commissioner and assessor or assessors shall constitute the board of review, and in all other cities the mayor, assessor or assessors, city clerk *and such other officers as the common council shall, by ordinance, determine* shall constitute *the* board of review.

Salary; not applicable to fourth class cities. SECTION 2. *In all cities except those of the first class the common council shall, by ordinance, fix the salary of the members of the board of review. This act shall not apply to cities of the fourth class.*

Conflicting laws repealed. SECTION 3. Any and all acts, or parts of acts, contravening or inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 5, 1905.

No. 525, S.] [Published June 7, 1905.

CHAPTER 311.

AN ACT amending section 925—133 of the statutes of 1898 as subsequently amended, for the funding and refunding of city debts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds, for what purpose; how authorized. SECTION 1. Sec-925—133 of the statutes of 1898, as amended by chapters 277 and 427 of the laws of 1903, and by chapter 61 of the laws of 1905, is hereby amended so as to read as follows: Section 925—133. The council shall have authority to issue bonds for the following purposes only:

1. Building school-houses and for public libraries.
2. Building bridges.
3. Erecting public buildings for the use of the city.
4. Purchase of apparatus for fire protection.
5. Street improvements which are to be paid for by the city.
6. Waterworks, sewers and drains, lighting works for streets and public buildings, and in cities of other than the first class for the construction and operation of lighting works to supply the city and its inhabitants with electric or other light.
7. For the purchase or establishment of public parks, public drives, boulevards, cemeteries, garbage grounds, public hospitals and purchasing sites for public buildings *and for a city market place.*
8. Purchase of toll bridges and approaches, *and for the purchase of a site for and the construction, maintenance or acquiring of public docks, wharves and the approaches thereto.*

9. *Such other purposes as are authorized by these statutes.* No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting, not less than one week after the proposed ordinance shall have been published in the official paper of the city. In case of bonds issued for street improvements, school purposes, water works, sewerage, parks and public grounds, a vote of the people of the city shall not be required unless within thirty days after the passage by the common council of the city of the ordinance authorizing the issuing of the bonds for such purposes there shall be filed in the office of the city clerk a petition in writing signed by not less than ten per cent in number of the voters who voted in said city at the last general state election, asking for submission of the question of issuing such bonds to a vote of the people, in which case such question shall be submitted as provided in section 943; Provided, that no *such* bonds shall be issued so that the amount thereof, together with all other indebtedness of the city, shall exceed five per cent of the assessed valuation of the property therein at the last assessment for *the* state and county taxes previous to the incurring of such indebtedness; that all *such* bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their date, and shall bear interest not exceeding six per cent per annum, payable semi-annually, and that the council shall have provided for the collection of a direct annual tax sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from date of the issue of *such* bonds. The council may also issue negotiable bonds constituting a general city liability for the refunding of other bonds or for the funding of general city indebtedness or liability in the following cases:

1. For the refunding of valid general city bonds *heretofore issued* or issued by a village or other municipality to whose property, rights and liabilities the city has succeeded.

2. For the funding of general city liability existing by reason of the fact that the city has received and has had the use and benefit of moneys raised by the issue or sale of bonds purporting to be a general city liability, but which are technically invalid for the failure to levy a tax as required by section 3 of article 11, of the constitution, or are not in lawful form, or where there was some defect in holding an election, or in some of the proceedings upon which the bonds were based. This subdivision shall apply only to cases in which the moneys were

applied to general city purposes, and ought justly to be repaid by the city, where *there* is an actual existing liability for such repayment, and where such liability did not at the time the money was so received exceed the five per cent limit of the constitution.

3. For the funding of general city liability arising from the fact that the city has issued special street, sewer, harbor or other improvement bonds, which do not constitute a general city liability, but where the city has collected assessments levied for the payment of the bonds and the same have been lost or diverted to other purposes, such bonds not to exceed the amount so collected with interest. Provided, however, that such collection and diversion constitute a general city liability.

4. For the refunding of street, sewer, harbor or other improvement bonds which for any reason constitute a general city liability not exceeding the constitutional debt limit.

5. For the funding of judgments against the city, which cannot in the judgment of the council be paid by current taxation. Such funding or refunding bonds may run not exceeding twenty years from the time of their issue and may be negotiable coupon bonds payable to bearer at a rate of interest not exceeding that of the debt funded or refunded. Such bonds may be sold at not less than par and accrued interest and the proceeds used to pay the liability for which they were issued, or may be exchanged for the evidences of liability replaced by them. No such bonds shall be issued unless authorized by an ordinance adopted by a vote in favor of the same by at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city. All such bonds issued shall be payable at the option of the city in annual instalments, the last instalment being payable not more than twenty years after their issue. Before or at the time of issuing said bonds the council shall provide for the collection of a direct annual tax, sufficient to pay the interest thereon as it falls due and to pay and discharge the principal thereof within twenty years from the time of the issue of such bonds. Said funding or refunding bonds need not be authorized by vote of the people, and shall be signed by the mayor, countersigned by the city clerk and sealed with the corporate seal. Said officers before executing said bonds shall ascertain that they do not exceed the limit prescribed by the constitution of the state of Wisconsin and that all provisions required by the constitution and laws of Wisconsin have been duly complied with. *Refunding bonds whose issuance, by ordinance*

heretofore adopted, has been directed to be made in the manner provided by section 925—133 of the statutes of 1898 as amended by chapters 277 and 427 of the laws of 1903, shall be issued, and further proceedings in regard thereto shall be taken, in accordance with the provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 338, A.] [Published June 8, 1905.

CHAPTER 312.

AN ACT to alter the boundaries of certain towns in the county of Lincoln and create the town of Somo, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory embraced in town of Somo. SECTION 1. All of that portion of the present town of Tomahawk in the county of Lincoln and state of Wisconsin, described as follows, to-wit: All of township number thirty-five north, range four east, and all of township thirty-five north, range five east, and now forming a part of the town of Tomahawk, is hereby set off and detached from the town of Tomahawk, and duly created and organized as a separate town, to be known and designated as the town of Somo, in said Lincoln county.

Territory detached and added to town of Lincoln. SECTION 2. All of that portion of the present town of Corning, and all of that part of the present town of Scott in said county, described as follows, to-wit: All of that part of the town of Corning lying north of the town line between townships thirty-three and thirty-four, north, and all of that part of the town of Scott lying north of the town line between townships thirty-three and thirty-four, north, are hereby detached from the towns of Corning and Scott respectively, and are hereby attached to and made a part of the town of Tomahawk, in said county of Lincoln.

Town of Somo created. SECTION 3. The said town of Somo is hereby created and organized with all the rights, powers and privileges conferred upon and granted to other towns in the state of Wisconsin, and shall be subject to all the general laws enacted for town government therein.

Apportionment of assets and liabilities of town of Tomahawk. SECTION 4. The assets and liabilities of the town of Tomahawk shall be apportioned to the said town of Somo pro rata in proportion as the valuation of all of the taxable property detached from said town of Tomahawk and created into the town of Somo, bears to the whole of the assessed valuation of said town of Tomahawk, according to the assessment roll of the town of Tomahawk for the year 1904 as equalized by the town board of review of said town.

Apportionment of assets and liabilities of towns of Corning and Scott. SECTION 5. The assets and liabilities of the said towns of Corning and Scott shall be apportioned to the said town of Tomahawk pro rata in proportion as the valuation of of all of the taxable property detached from said towns of Corning and Scott, respectively, bears to the whole of the assessed valuation of said towns of Corning and Scott respectively according to the assessment rolls of said towns of Corning and Scott for the year 1904, as equalized by the town boards of review of said towns.

First meeting of town of Somo. SECTION 6. The first town meeting of said town of Somo shall be held on the second Tuesday of June, 1905, at Hotel Birchwood located on section 4 in township number thirty-five, north, range four east, and the same shall be conducted as now provided by law for the first town meeting in new towns.

Notice of. SECTION 7. Notice of said first town meeting shall be given by posting a copy of this act in at least six public places in said town of Somo, at least six days prior to the time of holding said first town meeting, by any duly qualified elector of said town, who shall make a proper affidavit of such posting, and file the same on the day of said first town meeting with the inspectors elected to conduct said first town meeting.

When town deemed duly organized. SECTION 8. When said town meeting shall have been held as herein provided, and the town officers required by law duly elected, the said town of

Somo shall be deemed and shall be duly organized and shall possess all the rights, powers and privileges and authority and shall be subject to all the liabilities of other towns in the state of Wisconsin. After said first town meeting all annual town meetings shall be held on the day provided by law for the holding of town meetings in other towns of the state of Wisconsin.

Common schools, how organized. SECTION 9. The common schools of the said town of Somo shall be governed by the township system of school government, until the same shall be changed as now providel by law. The clerks of the various subdistricts who reside in said town of Somo shall constitute the first board of school directors therein. No joint sub-school district shall be deemed to be created by the passage of this act, but all such sub-districts shall be deemed to be divided by the line between the towns of Tomahawk and Somo.

Supervisors to meet and make settlement between towns. SECTION 10. The supervisors of the town of Tomahawk and the supervisors of the new town of Somo shall, on the second Tuesday of July, 1905, meet at the office of the town clerk of the town of Tomahawk, or at such other place as shall be mutually agreed upon, for the purpose of making a settlement between said two towns according to the provisions of this act; and the supervisors of the said towns of Corning and Scott and the supervisors of the town of Tomahawk shall on the third Tuesday of July, 1905, meet at the office of the town clerk of the town of Tomahawk, or such other place as may be mutually agreed upon, for the purpose of making a settlement between the towns of Corning and Tomahawk, and Scott and Tomahawk, respectively, according to the provisions of this act, and at either and all of said meetings any three of the supervisors shall have full power and authority to send for persons, books, papers and records necessarily involved in such settlement; and the clerk of the town of Tomahawk shall be the clerk of such meetings, and the town clerk of each of the other towns with which settlement is to be made as herein provided by the town of Tomahawk shall assist, and sufficient duplicates of all proceedings had shall be made, in order that each town shall have one for the use and information of the town clerk thereof. Each town shall be chargeable with the expense and for the service and per diem of its own officers only.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 89, S.] [Published June 8, 1905.

CHAPTER 313.

AN ACT to amend section 4543 of the statutes of 1898, relating to illegal voting and fraudulent registration.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Illegal voting; fraudulent registration. SECTION 1. Section 4543 of the statutes of 1898 is hereby amended so as to read as follows: Section 4543. Any person who shall vote at any general or special election, town meeting or election, school meeting or election, city, village or charter election, *not having the requisite qualifications and residence as a legal voter, or having no right to vote* by reason of disfranchisement or other disqualification at the time and place of such election, or who shall cause or procure his registration by any board of registry as a legal voter in any election district, *when he shall not at the time have* the requisite qualifications to entitle him to be registered in such district, or who shall wilfully make any false statement not under oath to the inspectors of any election or to any board of registry when offering to vote or to be registered as a voter in any election district in respect to his qualifications or residence as a voter in such district, or who shall cause or procure his name to be registered as a voter in more than one election district for one and the same election, or who shall falsely personate another person registered as a voter in any election district, or who shall vote more than once at the same election, or who shall procure, aid, assist, counsel or advise another to do any act hereinbefore specified shall be punished by imprisonment in the state prison not more than three years nor less than one year or in the county jail not more than one year, or by fine not exceeding two hundred dollars. *It shall be the duty of the election board to post a copy of this law in a conspicuous place in the election booth prior to the holding of said election.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 324, S.] [Published June 8, 1905.

CHAPTER 314.

AN ACT to amend sections 4865, 4866, 4872 and 4877a, of the statutes of 1898, relating to the holding of inquests of the dead.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Who to take inquests. SECTION 1. Section 4865 of the statutes of 1898 is hereby amended so as to read as follows: Section 4865. *Whenever the district attorney shall have notice of the death of any person within his county and from the circumstances surrounding the same there is good reason to believe that murder or manslaughter has been committed, he shall forthwith order and require the coroner or some justice of the peace therein to take an inquest on the view of the dead body of such person.* For the purpose of taking such inquest coroners may perform all the duties and exercise all the jurisdiction and powers conferred upon justices of the peace by this chapter and shall be entitled to the same fees as such justices for the performance of like duties, except as hereinafter provided.

Jury to be called. SECTION 2. Section 4866 of the statutes of 1898 is hereby amended so as to read as follows: Section 4866. Whenever any justice of the peace *or coroner shall be so ordered as provided in the preceding section,* he shall issue a precept to the sheriff or any constable * * * forthwith to summon a jury of six good and lawful men of the county to appear before him at the time and place specified in the precept, which precept shall be in substance as follows: The state of Wisconsin, to the sheriff or any constable of the county of .....: You are hereby required immediately to summon six good and lawful men of the county of ....., to appear forthwith before me at ....., in the town of ....., to inquire upon the view of the body of ....., there lying dead, how and by what means he came to his death.

Given under my hand this .... day of ....19...

J..... P..... Justice of the Peace.

Evidence to be written; stenographer. SECTION 3. Section 4872 of the statutes of 1898 is hereby amended so as to read as follows: Section 4872. In all cases * * * the testimony of all witnesses examined before the inquest shall be reduced to writing by the justice of the peace, or some other person by his direction, aud subscribed by the witnesses. Any officer authorized to take inquest may, *upon the order of the district attorney for his county,* employ a stenographer to take and transcribe the testimony of all witnesses examined at any inquest held by him. Such stenographer shall receive ten cents per folio for all the testimony taken and transcribed by him, his account therefor, after being audited by the proper county board, shall be paid by the county treasurer.

Compensation of officers; witness fees. SECTION 4. Section 4877a of the statutes of 1898 is hereby amended so as to read as follows: Section 4877a. The *sole* compensation of justices of the peace and coroner for taking inquest shall be four dollars for each day *and two dollars for each half day* actually and necessarily required for the purpose and ten cents for each mile actually and necessarily traveled in performing such duty. * * * The compensation of jurors for services therein shall be one dollar per day *and seventy-five cents for each half day* and ten cents for each mile actually traveled, and of the constable and witnesses, the same as is allowed for like services in justice's court.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 516, S.] [Published June 8, 1905.

CHAPTER 315.

AN ACT to provide for the replacement of reference and professional works destroyed by the capitol fire in the library of the office of the state superintendent of public instruction and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated from the general fund of the state treasury the sum of five hundred dollars to enable the state superintendent of public instruction to replace in part, the volumes of reference and professional works destroyed by the capitol fire.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved June 7, 1905.

No. 524, S.] [Published June 8, 1905.

CHAPTER 316.

AN ACT to amend section 2424 of the statutes of 1898, relating to the terms of court in the Tenth Judicial Circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court. SECTION 1. The eleventh paragraph of section 2424 of the statutes of 1898 is hereby amended so as to read as follows: *Tenth Circuit. In the county of Florence on the second Tuesday in April and the second Tuesday in October; in the county of Forest on the third Tuesday in April and the third Tuesday in October; in the county of Langlade on the*

*first Monday in May and the second Monday in November; in the county of Outagamie on the first Monday in March and the third Monday in September; * * * in the county of Shawano on the third Monday in May and the first Monday in December.*

SECTION 2. This act shall take effect and be in force from and after July 1st, 1905.

Approved June 7, 1905.

No. 529, S.] [Published June 8, 1905.

CHAPTER 317.

AN ACT to amend chapter 19 of the laws of 1905, entitled "An act creating a grain and warehouse commission for the state of Wisconsin and providing for licensing and regulating warehouses and elevators and for the storage, weighing and inspection of grain in the city of Superior and conditionally at other terminal points in said state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public warehouse defined; when elevator or warehouse may be excepted from provisions of this act. SECTION 1. Section 6 of chapter 19 of the laws of Wisconsin for the year 1905 is hereby amended by adding at the end of said section 6, the following: "provided, however, that the commission may, whenever in its judgment the same is advisable, by reason of weather conditions or because of rust, smut, blight or other defects or by reason of competitive markets or inspection affecting the handling, storage, sale or other disposition of grain, give written permission to any of said elevators or warehouses for a period of six months at any one time, to mix the grain of different owners together, store different lots or parcels without preserving the identity of each and issue warehouse receipts with-

out becoming subject to the provisions hereof, except all grain shall be weighed under the provisions hereof;" so that said section 6 when so amended, shall read as follows: "Section 6. All warehouses and elevators doing business for a compensation located in the city of Superior in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, and all elevators and warehouses located in said city in the business of storing and handling grain which issue warehouse receipts for such grain, are hereby declared to be public warehouses; *provided, however, that the commission may, whenever in its judgment the same is advisable, by reason of weather conditions or because of rust, smut, blight or other defects or by reason of competitive markets or inspection affecting the handling, storage, sale or other disposition of grain, give written permission to any of said elevators or warehouses for a period of six months at any one time, to mix the grain of different owners together, store different lots or parcels without preserving the identity of each and issue warehouse receipts without becoming subject to the provisions hereof, except all grain shall be weighed under the provisions hereof.*"

Penalty for acting as inspector without authority; to whom not to apply. SECTION 2. Section 31 of said chapter 19 is hereby amended by inserting after the word "Wisconsin" in the last line of said section, the following: "provided that the provisions of this section shall not apply to any person who has been requested in writing, either directly or indirectly, by the commission to inspect grain, so long as such request is not withdrawn." So that said section 31 when so amended shall read as follows: "Section 31. Any person who shall assume to act as an inspector of grain in the city of Superior, who has not first been appointed as provided in this act, or has not made and filed his oath of office and given bond where such bond is required, shall be held to be an imposter, and shall be punished by a fine of not less than one hundred dollars for each and every attempt to so inspect grain, and if the complaint is made by any member of the grain and warehouse commission, or of any inspector or deputy inspector, one half of said fine shall go to said grain and warehouse commission, and the remaining half to the school fund, and in case the complaint is made by any other person, one half of said fine shall go to the person so complaining and the remaining half to the school fund; such prosecu-

tion to be in the name of the state of Wisconsin, and shall be prosecuted by the district attorney of Douglas county or the attorney general of the state of Wisconsin, *provided, however, that the provisions of this section shall not apply to any person who has been requested in writing, either directly or indirectly, by the commission to inspect grain, so long as such request is not withdrawn.*"

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 532, S.] [Published June 8, 1905.

CHAPTER 318.

AN ACT to amend section 4560c of the statutes of 1898, as amended by section 2, chapter 311, of the laws of 1899, and section 5, chapter 437 of the laws of 1903, relating to fishing in inland waters of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Close season for trout. SECTION 1. Section 4560c of the statutes of 1898, as amended by section 2, chapter 311, of the laws of 1899, and section 5, chapter 437, of the laws of 1903, is hereby amended so as to read as follows: Section 4560c.* *It is hereby prohibited and made unlawful,*

(a) to fish for, catch or kill in any of the inland waters of this state, with any device, or in any manner, any variety of trout between the fifteenth day of August and the succeeding first day of May;

(b) to ship trout of any variety without accompanying the shipment;

(c) to sell, offer for sale or barter any variety of trout;

(d) to have in possession or under control, any variety of trout during the closed season;

*Entire section is rewritten.

(e) to have more than ten pounds of any variety of trout, which were caught in any of the inland waters of this state, in possession or under control in any one day during the open season;

(f) to fish for, or by any device attempt to catch or kill, any variety of fish in any of the streams of this state (except navigable rivers) which contain trout of any variety, during the closed season specified herein for trout;

(g) to take and retain trout of any variety less than six inches in length, trout so taken to be immediately returned without injury to the water where taken.

The provisions of this act shall not apply to lake trout or trout raised in private hatcheries.

Penalty. SECTION 2. *Any person violating any of the provisions of this act shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed, for not less than ten days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.*

Conflicting laws repealed. SECTION 3. All acts or parts of acts inconsistent with the foregoing provisions are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 91, A.] [Published June 8, 1905.

CHAPTER 319.

AN ACT to appropriate a certain sum to the eastern Wisconsin fireman's association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to the eastern Wisconsin fireman's association the sum of three hundred dollars ($300.00) out of any moneys not otherwise appropriated. This appropriation is for the years 1905 and 1906, and the said sum so appropriated, shall be paid to said association in two equal payments to be made on or before the first day of June in each of said years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 7, 1905.

No. 459, S.] [Published June 8, 1905.

CHAPTER 320.

AN ACT making appropriations for the support of the University.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax for; loans. SECTION 1. Section 390 of the statutes of 1898, as amended by section 1, chapter 170, of the laws of 1899, section 1 of chapter 322 of the laws of 1901, and section 1 of chapter 344 of the laws of 1903, is hereby amended so as to read as follows: Section 390. There shall be levied and collected annually a state tax *of two-sevenths of one mill for each dollar of the assessed valuation of the taxable general property of the*

state as ascertained and fixed by the state board of assessment for apportionment of the state tax to the several counties, which amount, when so levied and collected, is * * * appropriated to the university fund income to be used * * * for current *and* administration expenditures and for the *increase and improvement of the facilities of the university;* * * * *provided, that upon any apportionment of funds in the treasury under section 1069a of the statutes of 1898, such fund shall be applied to the tax hereinbefore levied. The commissioners of public lands may direct the state treasurer,* from time to time, to set apart *such sums* by way of loan to the fund known as the university fund income for the university uses from uninvested moneys in the trust funds for the period when so uninvested, * * * as in their judgment shall be prudent, such loans to be repaid to the trust fund from the *tax* hereinbefore *appropriated* * * * with interest at the rate then required *upon loans to school districts.*

Annual appropriation for construction of buildings, etc. SECTION 2. There is hereby annually appropriated for the period of three years, the sum of two hundred thousand dollars, to the university fund income from the general fund of the state out of any moneys not otherwise appropriated to be used for the construction and equipment, in the order of the greatest need therefor, of such additional buildings and works and the enlargement and repairs of buildings and works, as in the judgment of the regents shall be absolutely required, and as shall be approved by the governor and can be completed within the appropriation herein made; and also for fire protection; for furniture and equipment of existing buildings; and for apparatus and additions to the library; provided, that no plan or plans for any building shall be finally adopted, and no contract or contracts shall be entered into by the regents for the construction of any building until such plans and contracts, with complete estimates of the total cost thereof, shall have been submitted to and in writing approved by the governor of the state, who shall withhold such approval until he shall satisfy himself by a personal examination or by such other means as he may in his discretion adopt, that such building is required for the purposes proposed, and it can and will be erected and fully completed according to such plans or contracts for the sum proposed for the same by the regents out of the appropriation herein made.

Establishment of new school or college. SECTION 3. No new school or college shall be established unless authorized by the legislature.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 8, 1905.

No. 59, A.] [Published June 12, 1905.

CHAPTER 321.

AN ACT to amend chapter 322 of the laws of 1903, and to appropriate an additional sum of money for the expenses of the commission appointed under said act, and to extend the terms of the commission appointed to carry this provision into effect, and for completing said work.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$10,000 appropriated; preference to be given Wisconsin granite. SECTION 1. Section 1 of chapter 322 of the laws of 1903, is hereby amended to read as follows: Section 1. For the purpose of creeting a suitable monument in *the old prison grounds of Andersonville prison near Andersonville in the state of Georgia,* commemorative of the Wisconsin soldiers who suffered and died in Andersonville prison, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, provided however that Wisconsin granite shall be preferred for such monument at equal cost of similar qualities of granite obtainable from any other state or states.

Commission; duty of; term of extended. SECTION 2. Section 2, of chapter 322 of the laws of 1903, is hereby amended to read as follows: For the purpose of carrying out the provisions of section *2* of this act, the governor of the state of Wisconsin, is hereby authorized and *duly* empowered at his convenience to appoint a commission of three ex-union soldiers, each of whom *was* confined as a prisoner in said former Andersonville prison during the Civil War, who shall serve without pay, and whose duty it shall be to select *and contract for* a suitable monument and cause the same to be erected and placed in a proper

location in *the old prison grounds of Andersonville prison near Andersonville, Georgia, which monument shall be erected, completed and dedicated on or before May 21st, 1907, and the terms of office of the commissioners appointed under the provisions of chapter 322 of the laws of 1903, shall be extended until May 21st, 1907.*

Additional appropriation for expenses of commission, etc. SECTION 3. For the purpose of defraying the traveling and other necessary expenses of the commission in the selection, contracting for, locating, approving and dedicating said monument, and for the purpose of paying the traveling and other necessary expenses of speakers, the governor and his staff, and the salary, traveling and other necessary expenses of a stenographer, upon the occasion of the dedication of said monument, there is hereby appropriated out of any money in the treasury not otherwise appropriated, the further sum of six hundred dollars, which sum or so much thereof as may be necessary, shall be paid to the individual members or such commission, speakers, the governor and members of his staff, and to such stenographer aforesaid, in the usual manner provided by law, upon the presentation of proper bills, receipts and vouchers, it being intended by this section to appropriate for the purpose named, the further sum of six hundred dollars over and above the appropriation of five hundred dollars made by section 4, of said chapter 322 of the laws of 1903, and that so much of the sum of six hundred dollars, by this section appropriated, as shall be necessary to defray the expenses aforesaid shall be used for such purpose and such purpose only.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 9, 1905.

No. 166, A.] [Published June 12, 1905.

CHAPTER 322.

AN ACT to authorize the sale of timber on public lands when it has been damaged by fire or wind.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of timber authorized. SECTION 1. The commissioners of the public lands are hereby authorized to sell any timber on the public lands of this state which has been damaged by fire or wind, on such terms and in such manner as they shall deem best for the interests of the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 9, 1905.

No. 169, A.] Published June 12, 1905.

CHAPTER 323.

AN ACT to appropriate a certain sum to the Washington and Ozaukee county and North Milwaukee firemen's association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to the Washington and Ozaukee county and North Milwaukee firemen's association the sum of one hundred and fifty (150.00) dollars out of any money not otherwise appropriated. This appropriation is for the years 1905 and 1906 and the said sum so appropriated, shall be paid to said association in two equal payments to be made on or before the first day of June in each of said years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 9, 1905.

No. 170, A.] [Published June 12, 1905.

CHAPTER 324.

AN ACT to provide for the payment of a bounty for the killing of wolves, wild cats and lynxes, and amendatory of section 1626 of the statutes of 1898 and repealing chapter 45 of the laws of 1899 and chapter 311 of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reward for killing. SECTION 1. Section 1626 of the statutes of 1898, as amended by chapter 45 of the laws of 1899 and chapter 311 of the laws of 1901, is hereby amended so as to read as follows:

Section 1626.* *Any person who shall kill any wolf cub under six months of age shall be entitled to a reward of two dollars, and every person who shall kill any mature wolf shall be entitled to a reward of ten dollars, and every person who shall kill a wild cat or lynx shall be entitled to a reward of three dollars to be paid by the county wherein said wolf, wild cat or lynx was killed, upon compliance with the provisions of section 1627 of the statutes of 1898 Upon compliance with the provisions of section 1628 of the statutes of 1898, the same reward for the killing of any wolf, wild cat or lynx shall be paid by the state as is paid by the county under this section.*

Laws repealed. SECTION 2. Chapter 45 of the laws of 1899 and chapter 311 of the laws of 1901, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 9, 1905.

*Entire section is rewritten.

No. 305, S.] [Published June 12, 1905.

CHAPTER 325.

AN ACT to amend section 1219, statutes of 1898, relating to the taxes of fire and marine insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fire and navigation insurance; fees. SECTION 1. Section 1219, statutes of 1898, shall read as follows: Section 1219.* *Every company transacting the business of insurance against fire or by the risk of inland navigation or transportation, except town, church, druggists, lumber dealers, hardware dealers and city and village mutual insurance companies organized under the laws of this state, shall pay to the state of Wisconsin through the department of insurance, on or before the thirty-first day of January in each year, a tax of four per cent of the amount of the gross premiums received by such company during the preceding year in this state as shown by the annual statement of its business required to be made by law; provided, however, that from the amount of such gross income shall be deducted the amount paid to any authorized company or companies for the reinsurance of risks located in this state, and the amount of return premiums, and the actual losses less reinsurance losses, paid in this state during the preceding year; and upon the payment of the tax herein provided, such company may be licensed to transact its business until the last day of January in the ensuing year, unless sooner revoked or forfeited according to law.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 9, 1905.

*Entire section rewritten.

No. 500, A.] [Published June 12, 1905.

CHAPTER 326.

AN ACT to amend section 925—52, paragraph 31 of the statutes of 1898 to give cities organized under the general charter or operating under certain provisions thereof power to create districts within which all electric light or power, telephone, telegraph or other wires may be ordered to be placed under ground and all poles removed from the streets.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of council. SECTION 1. Section 925—52, paragraph 31 of the statutes of 1898 is hereby amended so as to read as follows: To establish and alter the grade of streets and sidewalks; regulate the manner of using the streets and pavements; protect the same from injury by vehicles used thereon; require standard sidewalks to be laid upon such street or streets or part thereof as it may prescribe; declare any sidewalk or part thereof unsafe, defective or insufficient, and that the same be removed and replaced with a new standard sidewalk or one as good as the standard, to be approved by the board of public works, at the expense of the owner or owners of the lots or parcels of land abutting upon that portion of the street or streets upon which said sidewalk is ordered to be built or removed, and cause the expense thereof incurred by the city in front of each said abutting lot or parcel of land to be charged to such lot or parcel of land as a special tax and collected like other city taxes upon real estate; all proceedings as to the construction of sidewalks and the collection of the cost thereof to conform to the provisions of sections 925—201 to 925—207 inclusive; *and to establish districts in cities of the first, second and third classes within which all electric light or power, telephone, telegraph or other wires may in the same ordinance establishing such districts be ordered to be placed under ground and all poles now or hereafter used to support such wires shall be removed from the streets in such districts, and to provide a penalty for the violation of the provisions of such ordinance.*

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved June 9, 1905.

No. 749, A.] [Published June 12, 1905.

CHAPTER 327.

AN ACT to permit the purchasing or building of a free wagon bridge across the Wisconsin river between Iowa and Richland counties, in Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase or construction of bridge authorized; draw must be provided. SECTION 1. The town of Clyde in Iowa county, and the village of Lone Rock in Richland county, in the state of Wisconsin, are hereby authorized and empowered to purchase, build, construct, and whenever purchased or constructed to thereafter forever maintain at their joint expense, a free wagon bridge over and across the Wisconsin river at some point in section twenty-four (24), township number eight (8) north, of range two (2) east, in Iowa county, in the state of Wisconsin, to a point in section thirteen(13) township number eight (8) north, of range two (2) east in Richland county, in the state of Wisconsin, at such point as the town and village boards thereof may select; and for such purpose they may erect piers, drive piles, build embankments and approaches in said river and on the banks thereof, suitable and necessary for the proper construction and maintenance of said bridge, and the enjoyment of the rights hereby granted or intended to be granted; provided that said bridge shall be provided with a proper and suitable draw or swing so as not to unreasonably obstruct said river for the purposes of navigation.

Question of levying tax or issuing bonds for to be summitted to vote. SECTION 2. No tax shall be levied or bonds issued for the purpose of purchasing or building and constructing such a bridge, as mentioned in the preceding section unless the question of levying such tax or issuing such bonds shall have been submitted by a vote of a majority of the town or village board of such town and village of each respective municipality, to a vote of the electors of such town and village and adopted at an annual election, town meeting or charter election, or at an election specially called for that purpose by such town board or village board, and in either case such board shall give notice of the

submission of such question to the electors as is required by law to be given of a special election or special town meeting; such vote shall be taken separately in said town and village, and a majority of the votes cast on such proposition in such town or village shall be necessary to its adoption; such vote shall in each case be by ballot and the proper town or village board shall for their own municipality prescribe the form thereof. The votes shall be canvassed, returned and the result declared as in other elections.

Execution and issue of bonds. SECTION 3. All bonds issued by said town or village under the provisions of this act shall be executed according to the provisions of section 956 of the statutes of 1898 and shall be issued only according to and subject to the provisions of sections 943 and 944 of the statutes of 1898.

Appropriations by county boards; limitation on; disbursement of. SECTION 4. Whenever the town board of said town of Clyde shall file with the county board of Iowa county, and the village board of said village of Lone Rock shall file with the county board of Richland county its petition setting forth the fact that said town and village have each voted to purchase, construct or repair the said bridge, stating the cost of such bridge or repairs as near as may be, and further stating that such town and village have each provided for the payment of one-fourth of the cost of such bridge or the proposed repairs thereon, the said county boards shall each appropriate one-fourth of said estimated amount and cause such sum to be levied upon the taxable property of the county, and such money, when collected, shall be paid by said county of Iowa to the treasurer of said town of Clyde, and by said county of Richland to the treasurer of said village of Lone Rock, whenever the said town or village shall notify the chairman and county clerk of their respective counties that the said bridge has been purchased or that the work thereon has been completed and accepted. All moneys received by said town or village treasurers shall be kept and accounted for by them in the same manner as other town funds, but the same shall be kept as a special fund and shall be paid out only for the purposes for which appropriated. Provided, that no more than one mill on the dollar of the equalized valuation of the property in either of said counties shall be levied for the aforesaid purpose for any similarly constructed bridge or bridges and for all county bridges constructed under the provisions of section 1319 of the statutes of 1898 in any one year, and that no order shall

be drawn on account of such levy except upon the certificate of the county treasurer that the money produced by such levy has come to his hands to pay such order.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 9, 1905.

No. 465, A.] [Published June 12, 1905.

CHAPTER 328.

AN ACT to provide a remedy for an accounting and discovery of all license fees due the state from railroad companies and the enforcement of the collection thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions to be commenced in Dane county; no change of venue. SECTION 1. The attorney general is hereby authorized and directed to commence civil actions in the circuit court for Dane county in the name of the state against every railroad company or person now or heretofore operating a railway or railroad in this state, which has failed or neglected to pay the state all license fees required of it to be paid by the provisions of any law of this state now in force or which has heretofore been in force. No change of venue shall be taken in any such action to any other county, but if an affidavit of prejudice be made and filed, or if the judge of said court be for any other reason disqualified to hear, try and determine such action, he shall call in a circuit judge from some other judicial circuit of this state, who shall hear, try and determine such action.

Complaint. SECTION 2. The complaint in each such action may demand a discovery under oath, and an accounting and such other or further relief as may be deemed necessary to enforce the collection of any and all sums found by the court to be unpaid. It may state in substance that the defendant has failed and neglected to pay the license fees, or some part thereof,

required of it or him by law to be paid and still continues in such neglect and failure and that such license fees or a part thereof are still unpaid, and shall specify particularly the year or years in which the defendant has so failed and neglected to pay such license fees or a part thereof and which are still unpaid, and shall state the amount of the gross earnings reported by the defendant to the state treasurer for each year immediately next preceding the one for which such license fees or a part thereof are claimed to be unpaid and the amount of license fees paid for the license for each of such years last named; that the knowledge and information relating to the amount of gross earnings of defendant for each such preceding year and the records, books, vouchers and papers showing or relating to such gross earnings are within the possession and under the control of the defendant, and that in order to determine the amount of the gross earnings for each such preceding year it will be necessary that defendant discover under oath and account for the true amount of such gross earnings, and that such discovery and accounting necessarily involves the examination of a long account; that the plaintiff is not informed and does not know the amount of such gross earnings. The complaint in any such action may also allege in substance that the license or licenses issued to the defendant for any such year or years was or were procured by the fraud and misrepresentation of the defendant and in addition thereto that the application of any payment or payments made thereon was procured to be made by the false and fraudulent representation of the defendant, stating the facts showing such fraudulent representation. Said complaints shall be signed by the attorney general as the attorney for the plaintiff, but need not be verified.

Answer. SECTION 3. The answer of defendant must be verified and shall contain, among other allegations, statements and defenses which may be set forth therein, a full, true and complete discovery under oath and a true and accurate account of all moneys received by it in the operation of its railroad for each of the years next preceding the year as to which it is claimed in the complaint that license fees or any part thereof remain unpaid, without any deduction therefrom for rebates, commissions, switching, demurrage, car, track or terminal rentals, or car service, or for any purpose whatsoever.

Proceedings. SECTION 4. The proceedings in each such action shall be in accordance with the rules and practices now in

force in equity cases in this state, except in so far as otherwise provided in this act. And notwithstanding the discovery hereinbefore provided for, the provisions of section 4096 of the statutes of 1898, and acts amendatory thereto and thereof, shall apply to such actions and a compliance therewith may be required in any other state or territory, provided the law or practices of such other state or territory permits or sanctions such compliance.

Collection of penalties and forfeitures against railroad company; release of defendant from. SECTION 5. Nothing in this act contained shall affect the right of the state to enforce the collection of any penalty or forfeiture against any railroad company, provided by law. But the governor, secretary of state and attorney general may release, if in their judgment the best interests of the state require it, without terms or upon such terms as to them may seem best, any defendant named in any such suit from any or all penalties or forfeitures prescribed by law by filing the release such as it may determine should be given, if any at all, in the office of the clerk of the circuit court for Dane county in the actions provided for by this act to which the defendant is a party, and by delivering a copy thereof to such defendant. Provided that no such release shall be made in any action unless the governor, secretary of state, and attorney general shall find it necessary, in aid of the collection of the license fees due the state from railroad companies.

Licenses procured by fraud to be declared void; judgment. SECTION 6. If it shall be found by the court that any of the licenses mentioned in the complaint or any application of payment made thereto was procured by fraud or false representation of any defendant named therein, then the courts shall declare such license or licenses void and order the same to be set aside and delivered up and cancelled and all entries thereof cancelled, on the books of the state treasurer and all applications of money thereto made, if so made on account of the fraud or false representation of the defendant, be set aside and declared void and of no effect, and shall apply such payments to the discharge of license fees or a part thereof still remaining unpaid in the order that the same accrued. A judgment shall be entered for the amount found due in accordance with the provisions of this act, together with interest from the time same became due at the rate now provided by law, and for such other and further judgment or relief as the plaintiff may be entitled to upon the evi-

dence, together with the costs and disbursements of the plaintiff in such action which shall be taxed and inserted in the entry of judgment according to the practice in equity cases. But if, upon such accounting, the court shall find that nothing is due the plaintiff, or that any amount is due the defendant, judgment shall be rendered in favor of such defendant for such amount and the costs and disbursements of the action.

Additional remedy for recovery of license fees. SECTION 7. In addition to the remedy hereinbefore provided for the collection of the said license fees and as cumulative thereto said license fees may be recovered by any action or suit at common law or in equity appropriate to the collection of debts.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 642, A.] [Published June 13, 1905.

CHAPTER 329.

AN ACT to amend section 492, of the statutes of 1898, as amended by chapter 345, laws of 1903, relating to election of officers in certain free high school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

District Officers. SECTION 1. Section 492, statutes of 1898, as amended by chapter 345, laws of 1903, is hereby amended to read as follows: Section 492. (Statutes of 1898, as amended by chapter 345, laws of 1903.) The officers of each *free high school* district shall be a director, treasurer and clerk, whose terms shall be each three years beginning with the annual town meetings, and until his successor shall have been chosen; provided that at the first election the clerk shall be chosen for one year, the treasurer for two years and the director for three years, and all of said officers may be chosen first at the same election at which the question of establishing a high school is summitted, to take their offices if the resolution therefor be adopted. Thereafter such officers shall be elected at the annual town meeting or charter election. The votes cast shall be canvassed and the

result declared and certified as provided in the preceding sections. But in all cities not under a county superintendent which now constitute free high school districts or which shall hereafter adopt the resolution provided for in section 490 and become free high school districts, the board of education in each such city shall be the high school board and the city treasurer shall be ex-officio the treasurer of the high school district unless the board of education embrace a treasurer; and in all districts maintaining a graded school of not less than two departments which now constitute free high school districts or which shall hereafter adopt said resolution, the district board in each shall be the high school board and the district treasurer shall be the treasurer of the high school district. Whenever a sub-district shall vote to establish and maintain a free high school, such sub-district shall constitute a free high school district, shall elect a free high school board, the clerk for one year, the treasurer for two years, and the director for three years; thereafter one officer shall be elected annually in place of the one whose term expires at the annual meeting of such sub-district, and such high school board shall perform all the duties and have the same authority as high school boards in towns or districts. The clerk shall certify all taxes levied for high school purposes to the town, city or village clerk, who shall apportion the same upon the taxable property of the sub-district, and the treasurers of such municipality shall collect the taxes thus apportioned and pay over the same to the high school treasurer and return the delinquent taxes to the county treasurer as in other cases. Where a high school district consists of two or more towns or school districts, or one or more towns or school districts and an incorporated village or city, the officers thereof shall be elected for the same terms as in other districts by joint vote of the town boards of such towns or the board or boards of the school district or districts, town or towns, and three members *elected* by the board of the village or council of the city which have united in forming such district; *except that in all cases where the free high school district is composed of one town and an incorporated village only, the election of high school district officers shall be held at the time of the annual town meeting on the first Tuesday in April of each year at the usual polling places for holding such elections; provided that in cases where such usual polling places are outside the village limits and no village election is held on that day an additional and convenient polling place shall be provided for within the village limits. Separate ballots and a separate ballot box for school district officers shall be provided.*

The names of the candidates for school district officers voted for shall be printed or written on a ticket separate from the town ticket and the ballots cast at this election for school officers shall be canvassed and counted at a joint session of the canvassing boards of the town and village. Such town boards shall hold their first meeting to elect officers at two o'clock P. M. on the first Tuesday following the town meeting, at the office of the clerk of the town having the largest population, and thereafter shall meet for such purpose at the same time at such place as may be determined upon. The first meeting of the board or boards of the town or towns or a school district or districts with the members *elected* by the board of any village *(with the above exception)* or council of any city which forms such a district shall be held at two o'clock P. M. on the first Tuesday next following the village or city election at the office of the clerk of such village or city; all subsequent meetings shall be held at the same time at such place as may be determined upon. A majority of all the members representing such town or towns, school district or districts and such village board or city council shall be necessary to constitute a quorum. The secretary of the meetings of such boards shall certify the names of the officers of the district elected thereat to all the clerks of the towns, school districts, village or city in the district. The officers so elected shall have the same authority, be charged with the same duties and be under the same liabilities as other officers of such districts.

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 463, S.] [Published June 13, 1905.

CHAPTER 330.

AN ACT providing for the attendance of certain persons upon certain schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attendance at school on reservation compulsory. SECTION 1. Whenever the government of the United States shall organize or cause to be organized and maintained on any reservation for school purposes within this state, special schools for general educational purposes and the expense of tuition, lodging, food and clothing of the pupils enrolled therein is borne wholly or in part by the United States or the state of Wisconsin, it shall be compulsory on the part of every parent or guardian within the state having control of a child or children between the ages of five and eighteen years, eligible to attend such school, to cause such child or children to attend such school for a period of at least nine months in each year, or during the annual term; provided, that any child may be excused from attendance thereat by the principal or superintendent of the school upon its being shown to his satisfaction that the physical or mental condition of such child renders application to study or attendance at school inadvisable for the period required, or that the child is taught in some private or other public school or at home in the branches usually taught in the public schools of the state, or is actually and necessarily compelled to labor for the support of the parent or guardian, or that the residence of the parent or guardian of such child is more than ten miles distant from said school and that free transportation of said child is not provided for by the United States or the state of Wisconsin; the facts in each and every case named above to be determined upon investigation by the principal or superintendent of said school.

Refusal or neglect of guardian to cause attendance of child. SECTION 2. In all cases of refusal or neglect on the part of the parent or guardian and before attempting to enforce the provisions of this act, it shall be the duty of the principal or superintendent of the school within said territory to serve or cause to be served upon the parent or guardian a demand for the at-

tendance of such child who has not been excused therefrom. Such notice shall be in writing and give the name of each child and designate the school upon which attendance is required. If the parent or guardian claims that the child should be excused for one or more of the reasons given in section one (1) of this act, it shall be the duty of the principal or superintendent of such school to make immediate investigation of the matter and to place his findings in the case in writing. If after such investigation the child is found eligible to attend such school and the parent or guardian shall fail or refuse to comply therewith within ten days after service of a written notice to such effect, then and in such case the principal or superintendent of said school shall make complaint against such parent or guardian as required by law.

Penalty. SECTION 3. Any parent or guardian failing to comply with the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars or by imprisonment in the county jail not less than five days or more than thirty days, and in case of conviction for a second or any subsequent offense shall be punished by both such fine and imprisonment.

Duty of district attorney, sheriff, etc. SECTION 4. It shall be the duty of the district attorney of the county in which such offense is committed to prosecute all actions arising under the provisions of this act when such complaint is made by the superintendent or principal of the school. It it likewise made the duty of sheriffs, constables and peace officers in the state to take cognizance of this act and assist principals and superintendents of schools in carrying out its provisions.

Conflicting laws repealed. SECTION 5. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 247, S.] [Published June 13, 1905.

CHAPTER 331.

AN ACT to provide for the discharge and satisfaction of ancient mortgages held by the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain mortgages held by state to be released. SECTION 1. In any case where the records of the offices of the state treasurer and secretary of state fail to show any payments made upon any mortgage of real estate to the state or territory of Wisconsin since January 1st, 1865, it shall be the duty of the state treasurer, on demand, to execute, acknowledge and deliver to the owner of all or any portion of the land conveyed by any such mortgage a satisfaction in due form of law acknowledging the satisfaction and discharge of such mortgage, and such satisfaction when so executed shall be conclusive evidence of the payment and discharge of such mortgage and the satisfaction of the lien thereby secured.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 113, S.] [Published June 13, 1905.

CHAPTER 332.

AN ACT to amend section 10 of chapter 439 of the laws of 1901, relating to state aid for graded schools and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of aid for two classes of graded schools; apportionment. SECTION 1. Section 10 of chapter 439 of the laws of

1901 is hereby amended by striking out the word "sixty" in the 28th line and inserting in lieu thereof the word "eighty," so that, when amended, it shall read as follows: Section 10. Any school district which shall have maintained a graded school of the first class in accordance with the provisions of this act shall be entitled to receive from the general fund of the state, annually, the sum of three hundred dollars. Any school district which shall have maintained a graded school of the second class in accordance with the provisions of this act shall be entitled to receive from the general fund of the state, annually, the sum of one hundred dollars. To obtain such state aid the school board shall, on or before the first day of August of each year succeeding the school year in which application is made, report to the state superintendent, under their oaths, that such state graded school has complied with all the provisions of this act. Thereupon, the said state superintendent shall fix the amount to be paid such district, and certify the same to the secretary of state; the secretary of state shall then draw his warrants upon the state treasurer for the several claims of the school districts. The secretary of state shall annually include and apportion in the state tax such sum as shall have been certified by the state superintendent under the provisions of this act. Upon receipt of the annual state taxes said state treasurer shall pay to the school district treasurers the several amounts called for by such warrants. The state superintendent is hereby empowered to refuse state aid to any school district which in his judgment has failed to comply with the provisions of this act. The whole amount annually paid under the provisions of this act shall not exceed *eighty* thousand dollars, and if more be demanded by the state graded schools, it shall be paid proporionally. Any unexpended balance shall revert to the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 298, S.] [Published June 13, 1905.

CHAPTER 333.

AN ACT to provide a contingent fund for the prevention of Asiatic cholera and other dangerous contagious diseases, and providing for an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to state board of health. SECTION 1. There is hereby appropriated to the state board of health, out of any moneys in the state treasury not otherwise appropriated, a sum not exceding fifty thousand dollars for the two years ending February 1, 1907, which shall be for a fund which, by and with the advice and consent of the governor, may be drawn upon by the said board and used by it in such manner as may seem to be necessary to prevent the introduction or spread of Asiatic cholera or other dangerous contagious diseases in the state.

Compensation and expenses of member of board. SECTION 2. Any member of the state board of health, except the secretary, who is engaged in work for the prevention or control of Asiatic cholera outside of the city in which such member resides, shall be allowed and paid for the time in which he is actually so engaged, such sum as the governor may approve, not exceding fifteen dollars a day in addition to traveling and other necessary expenses.

Moneys unexpended after certain date to revert. SECTION 3. Any part of the money appropriated by this act which shall not have been expended before the first day of February, 1907, shall then revert to the general treasury of the state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 461, S.] [Published June 13, 1905.

CHAPTER 334.

AN ACT to authorize the city of New London to construct and maintain a bridge across Wolf River and to borrow money, and levy a tax or taxes, to aid in the construction of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of bridge authorized. SECTION 1. The city of New London is hereby authorized to build, construct and maintain a wagon bridge over and across the Wolf river to connect State Street with Wyman Street in said city and for that purpose may erect piers, drive piles, sink cribs and build approaches in said river and on the banks thereof, necessary for the proper or convenient construction and maintenance of such bridge; provided, that a suitable draw shall be built and maintained in the channel span of said bridge for the passage of boats; and said bridge shall be so constructed as not to materially interfere with the navigation of the waters of said Wolf river; and provided further, that said bridge shall be constructed according to plans approved by the secretary of war of the United States.

Question to be submitted to vote. SECTION 2. Before proceeding to construct the said bridge or make any appropriation or issue any bond therefor, or do any act preliminary thereto, the common council of said city of New London shall submit to the electors thereof the question, "Shall a bridge be built pursuant to chapter (inserting the number of the chapter) of the laws of 1905?" and if a majority of the votes cast at such election shall be in favor thereof, the said city of New London may proceed to erect such bridge, appropriate money or issue bonds therefor in the manner provided by law; and if a majority shall be against, no authority to build such bridge or do any other act in relation thereto shall be conferred by this act, provided that the question of issuing bonds therefor may be submitted at the time of submitting the question herein provided for.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 535, S.] [Published June 13, 1905.

CHAPTER 335.

AN ACT to amend section 1439 of the statutes of 1898, relating to the control and conveyance of lots in cemeteries within the limits of an incorporated city or village.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conveyance of lots. SECTION 1. Section 1439 of the statutes of 1898 is hereby amended to read as follows: Section 1439. After filing such map, the town board may, in the name of the town, sell and convey the lots designated thereon upon such terms and subject to such conditions and restrictions as they shall prescribe; but every such conveyance shall be limited to be expressly for burial purposes and no other, shall be signed by the chairman and attested by the town clerk. Whenever any such town cemetery is or shall become embraced within the limits of any city *or incorporated village,* the duties and powers of the town board relating to such cemetery shall be exercised by the common council of such city *or the village board of such village;* and the conveyances of lots shall be executed by the mayor *of such city or the president of the village board, as the case may be,* in the name of the town, and attested by the city clerk *or village clerk,* but the right of burial in such cemetery shall not be changed or impaired.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 536, S.] [Published June 13, 1905.

CHAPTER 336.

AN ACT relating to admitting wills to probate and granting letters of administration without formal notice.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When letters of administration may be granted without notice. SECTION 1. Upon making application for the probate of a will or for letters of administration, if all parties interested enter their appearance in writing, waive the notice required in sections 3787 and 3808 of the statutes of 1898, and consent to an immediate hearing, letters testamentary or of administration may be granted as if notice had been given.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 195, A.] [Published June 13, 1905.

CHAPTER 337.

AN ACT to amend section 341 of the statutes of 1898, relating to public printings, to provide for printing transactions of the Wisconsin Archeological Society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Printing transactions of Wisconsin Archeological Society. SECTION 1. Section 341 of the statutes of 1898 as amended by chapter 197 laws of 1901, as amended and corrected by chapter 447 laws of 1901, is hereby amended by adding thereto the following: *There shall be printed by the state printer bimonthly in pamphlet form, fifteen hundred copies of the trans-*

actions of the Wisconsin Archeological Society, on good quality book paper, uniform in style with thevolumes heretofore published by said society, including necessary illustrations, not to exceed seventy-five pages for each copy.

SECTION 2. This act shall take effect and be in force from and after its passage and publication,

Approved June 10, 1905.

No. 134 ,A.] [Published June 13, 1905.

CHAPTER 338.

AN ACT to amend chapter 152 of the laws of 1899 being an act to authorize the appointment of assistant factory inspectors and to make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assistant factory inspectors. SECTION 1. Section 1 of chapter 152 of the laws of 1899, is hereby amended so as to read as follows: Section 1. The commissioner of labor and industrial statistics shall have power to appoint *ten* suitable persons as assistant factory inspectors who shall perform their duties under his direction and who may be removed by him for cause.

Certificate of inspection. SECTION 2. The factory inspector or assistant factory inspector having inspected any factory or mercantile establishment under his jurisdiction shall, at the time such inspection is made, issue a certificate or statement as to how the factory laws were complied with at the time of his inspection.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 261, A.] [Published June 13, 1905.

CHAPTER 339.

AN ACT to amend chapter 98 of the laws of 1881 as amended by chapter 61 of the laws of 1895 as amended by chapter 270 of the laws of 1903, establishing the Union School District of the city and town of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Term of office of commissioners; eligibility; election. SECTION 1. Section 2 of chapter 98 of the laws of 1881 as amended by section 1 of chapter 61 of the laws of 1895, as amended by chapter 270 of the laws of 1903, is hereby amended so as to read as follows: Section 2.* *The term of office of the commissioners heretofore elected shall not be changed and all such terms shall expire at the time for which said commissioners shall have been elected. The offices of commissioners which shall become vacant in 1905 shall be filled by appointment on a majority vote of the common council of the city of Ripon for the term of one year. At the charter election in April, 1906, there shall be elected eight commissioners and the terms of the four members of the first class thereof shall be two years, and of the four members of the second class shall be four years; and one member of each class shall be elected in each ward of said city of Ripon at such election. At the charter election in April, 1908, and every two years thereafter, four commissioners shall be elected, one in each ward, for the term of four years.*

As soon as may be after the passage of this act, the common council of the city of Ripon shall elect a ninth commissioner from the electors of said Union School District, who shall hold office for three years from the third Wednesday in April, 1905, and said common council shall at the expiration of said term and thereafter every three years elect such ninth commissioner for a term of three years.

The electors residing in the town of Ripon, within the limits of Joint School District No. 2 aforesaid shall be eligible to the office of commissioner and shall vote for such commissioners as may be voted upon in the fourth ward of said city, casting their ballot at the voting place in said ward; and the electors residing

*Entire section rewritten.

in the town of Ripon within the limits of Joint School District No. 5 aforesaid shall in like manner be eligible to the office of commissioner and shall vote for such commissioners as may be voted upon in the first ward of said city, casting their ballots at the voting place in said ward.

No person residing in those school districts within said city of Ripon that are not included within the Union School District of the city and town of Ripon, shall be eligible to the office of commissioner of said Union School District; nor shall be entitled to vote for any commissioners of such Union School District. It is made the duty of the clerk of the city of Ripon to provide a separate ballot and ballot box for the election of commmissioners of said Union School District in the first and fourth wards of said city.

Organization of board of education. SECTION 2. Section 3 of chapter 98 of the laws of 1881 is hereby amended so as to read as follows: Section 3.* *The nine commissioners of the public schools of the Union School District in the city and town of Ripon shall constitute a board of education which shall be termed the Board of Education of the Union School District of the city and town of Ripon and shall be a body corporate in relation to all the powers and duties conferred upon them by this act. A majority thereof shall constitute a quorum. At the first meeting of each board, which shall take place on the third Wednesday in April in each year, said board shall elect a president and clerk from its membership. The president shall preside at the meetings of said board, appoint standing committees, (of which he shall be ex-officio a member), and perform such other and further duties as may be required of him by law or by the by-laws or acts of the board. The clerk shall be elected at the same meeting and his salary shall be fixed by the board. The terms of office of such officers shall be for one year and until the election and qualification of their successors respectively. The clerk shall give a bond in such sum and with such sureties as to the board may seem best, for the faithful discharge of his duties.*

Vacancies, how filled. SECTION 3. Section 4 of chapter 98 of the laws of 1881 is hereby amended so as to read as follows: Section 4.* *The common council of the city of Ripon shall fill all vacancies in the membership of said board of education where the same shall exist for any cause other than the expiration of*

*Entire section rewritten.

the term of office of such commissioners as are required to be elected by the electors. Such appointments shall be made from the portion of the district where the vacancy occurs from the qualified electors of said portion; and the commissioners so appointd shall fill out the unexpired term.

Superintendent of schools. SECTION 4. Section 16 of chapter 98 of the laws of 1881 is hereby amended so as to read as follows: Section 16.* *The board of education of the Union School District of said city and town of Ripon shall have full power and authority to select and contract with a superintendent of schools who shall have all of the powers and duties conferred by general laws upon superintendents of schools in cities of the fourth class and such further and additional powers and duties as may be given or imposed by the requirements of said board,* not inconsistent with law, and who shall receive such compen*sation as said board may determine, to be paid out of the school funds of said Union School District.*

Powers of board of education. SECTION 5. The fourth paragraph or clause of section 13 (14) of chapter 98 of the laws of 1881 is hereby amended so as to read as follows: Fourth. To employ and contract with all teachers in the public schools *of said district* to whom the necessary certificates * * * have been given by the superintendent, and at its pleasure to remove them; provided, that no contract for the employment of teachers *or superintendent* shall extend *for more than one year* beyond the first day of July next succeeding the dates of such contract; to have in all respects the supervision and management of the public schools of said district, and from time to time to make, alter, modify and repeal, as it may deem expedient, rules and regulations for their organization, government and instruction; for the reception of pupils from other districts and the transfer of pupils from one department to another, and generally for their good order and utility.

Conflicting laws repealed. SECTION 6. All other acts or parts of acts inconsistent with the provisions of this act, so far as they affect the Union School District of the city and town of Ripon, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

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*Entire section rewritten.

No. 326. A.] [Published June 13, 1905.

CHAPTER 340.

AN ACT relating to the levee at the city of Portage and vicinity, in the state of Wisconsin, and making an appropriation therefor.

Preamble. Whereas by the neglect and refusal of the United States government to repair, strengthen and enlarge its levee in the vicinity of Portage, as it was expected it would do at the time of the passage of chapter 419 of laws of 1903, the levee commissioners appointed pursuant to said chapter were compelled to expend nearly $5,000.00 upon said government levee for the protection of the adjacent lands and the Fox river valley from overflow by the Wisconsin river, and the funds at the disposal of said commissioners for the repair and enlargement of the other levees in the vicinity of Portage were thereby diminished by said amount, and

Whereas approximately the said amount is required by said commissioners for the strengthening and enlarging of the Lewiston levee for the proper protection of the adjacent lands and the Neena creek and Fox river valleys from overflow by said river, and the said commissioners have at their disposal only funds sufficient for the proper completion of the work of strengthening and enlarging the levee in the towns of Caledonia and Fairfield and the city of Portage, and

Whereas there is in the general fund of the state a sum of moneys largely in excess of $5,000.00 received by the state from sales of land granted by the United States to the state by act of congress of Sept. 28th, 1850, for the purpose of "building levees and the redemption of swamp and overflowed lands," and said moneys are by the terms of said grant legally available, and should in equity be applied, so far as necessary, to the strengthening of the said Lewiston levee, and

Whereas the situation in the vicinity of Portage resulting from the periodical floods of the Wisconsin river is without parallel anywhere in the state, and the said sum of $5,000.00 is necessary for the purpose next above specified.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to the commissioners appointed pursuant to chapter

419 of the laws of 1903 from any moneys in the general fund received from the sales of swamp and overflowed lands granted and awarded to the state by the United States by and under act of congress of September 28, 1850, the sum of five thousand dollars, and the state treasurer is hereby directed to transfer said amount from such moneys to the special fund created under said chapter for the use of said commissioners; and the provisions of said chapter shall in all respects govern the expenditure of said sum.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 348, A.] [Published June 13, 1905.

CHAPTER 341.

AN ACT to amend section 1565 of the statutes of 1898, relating to excise and the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

What is a sale; complaint. SECTION 1. Section 1565 of the statutes of 1898 is hereby amended so as to read as follows: Section 1565. The giving away of intoxicating liquors or other shift or device to evade the provisions of any law of this state relating to excise or the sale of intoxicating liquors shall be deemed and held to be an unlawful selling within its provisions, and in all cases not otherwise specially provided for any person convicted of any misdemeanor under the provisions of any such law shall be punished by a fine not exceeding fifty dollars and shall pay the costs of prosecution, and in default of immediate payment of such fine and costs shall be committed to the county jail for not less than thirty days nor more than ninety days unless sooner discharged by the payment of such fine and costs; the words "any law of this state relating to excise or the sale of intoxicating liquors" or any words of similar import when used in any statutes shall be held to include and apply to all excise

laws heretofore enacted which shall remain in force as well as to all the provisions of this chapter and to all excise laws which may be hereafter enacted so long as the same shall remain in force. In any prosecution for an offense against or violation of any law of this state relating to excise or the sale of intoxicating liquors it shall not be necessary to allege or state in the complaint, information or indictment the kind or quantity of liquor sold or the person to whom the same was sold, but it shall be sufficient to allege generally that the accused sold intoxicating liquor at a time and place mentioned, together with a brief statement of the fact showing such sale to be unlawful. In all cases proofs of the sale or giving away of any malt, spirituous, vinous or distilled liquor of any name or nature whatsoever shall be deemed proof of the sale or giving away of intoxicating liquors without proof that the liquor so sold or given away was in fact intoxicating. *And any person soliciting, procuring, or receiving from or forwarding for, any person, firm or corporation, except a licensed liquor dealer, an order for the purchase of any such liquors, to be filled by any other person, firm or corporation outside of the municipality in which the order is taken, shall in case such liquors are delivered to the person so ordering them, be deemed and held to be liable as and for a sale of such liquors at the place where such order is solicited, procured, received or so forwarded, and the person, firm or corporation so receiving and filling such order, except for a licensed dealer, or for the individual purchaser upon his direct written order shipped direct to him, whether such liquors are shipped or delivered by common carrier or otherwise, or directed or delivered to the purchaser or his agent or to the agent of the shipper or to the agent of any carrier, to be delivered to such purchaser, shall be deemed and held to be liable as and for a sale of such liquors at the place where such liquors are so actually delivered, and received by such purchaser and not at the place of such shipment, in all respects as any local dealer in such liquors at such place of actual delivery, under chapter sixty-six (66) of the statutes of 1898, and all acts amendatory thereof.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 411, A.] [Published June 13, 1905.

CHAPTER 342.

AN ACT to amend section 21 of the statutes of 1898, as amended by chapter 96 of the laws of 1899 and chapter 408 of the laws of 1903, relating to notices of election by county clerks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice of election, how published. SECTION 1. Section 21 of the statutes of 1898, as amended by chapter 96 of the laws of 1899 and chapter 408, of the laws of 1903, is hereby amended so as to read as follows: Section 21. The county clerk thereupon shall forthwith cause a notice containing so much of the notice so received by him as relates to the *question* and officers to be voted for in his county, together with a statement of the several county officers to be elected by the voters of his county to be published *as follows: In counties containing a population of 250,000 such notice shall be published in not less than two and not more than four newspapers published therein; in all other counties of the state such notice shall be published in not more than two newspapers published therein, one of which publications shall be made in a newspaper which advocates the principles of the political party which at the last preceding election cast the largest number of votes, and another publication shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes.* Such notice shall be published once each week until election and shall be transmitted by mail to each town clerk, and the clerk of each village in which the next ensuing general election will be held, and to one of the inspectors of election in each election district in every city of his county. Whenever the office of county clerk is vacant and there shall be no person authorized to perform his duties, the sheriff shall *take* [make] out and so transmit such notices.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 767, A.] [Published June 13, 1905.

CHAPTER 343.

AN ACT to amend section 2469 of the statutes of 1898, in relation to terms of county court in Fond du Lac county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court, Fond du Lac county. SECTION 1. Section 2469 of the statutes of 1898 is hereby amended, so that that part of said section, fixing the terms of court therein mentioned for Fond du Lac county, shall read as follows: Fond du Lac county. *In the county of Fond du Lac on the third Monday in January, first Monday in June, and second Monday in October, and special terms on the second Monday in April and December, but no jury shall be summoned in said special terms.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1905.

No. 162, A.] [Published June 13, 1905.

CHAPTER 344.

AN ACT to appropriate a sum of money to T. F. Conroy by reason of damages sustained by him as health officer, on account of destroying property under orders of the state board of health.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation; how paid. SECTION 1. There is hereby appropriated to T. F. Conroy of Neillsville, Clark county, Wisconsin, the sum of one thousand and twenty-seven dollars and six cents to reimburse the said T. F. Conroy for a judgment obtained and disbursements made in defending an action

brought against him by Jesse Lowe of Neillsville, Wisconsin to recover the value of meat and hides belonging to the said Lowe, and destroyed by the said T. F. Conroy as health officer pursuant to the instructions, and by the direction of the state board of health. The said sum shall be paid to the said T. F. Conroy upon his filing with the secretary of state a duly certified copy of a satisfaction duly filed and entered upon the judgment above mentioned, together with his receipt in full for all claim in said matter.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 325, A.] [Published June 13, 1905.

CHAPTER 345.

AN ACT to further provide the means of self-support to adult blind artisans, and the means of instruction to those desiring to become artisans, and to appropriate money therefor.

Preamble. Whereas the legislature, by chapter 432, laws of 1903, provided that there should be created an institution where employment might be furnished to adult blind artisans and that proper facilities be also provided for such adult blind artisans to pursue their respective vocations; and whereas, pursuant to such act, the board of control provided proper facilities for the employment of adult blind artisans; and whereas the experiment has proven successful and has shown that many adult blind artisans can be made self-supporting; to the end, therefore, that such reasonable aid may be continued to such persons as will enable them to successfully pursue their vocations:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Continuation of institution authorized; duties of board of control. SECTION 1. The state board of control is hereby authorized and directed to continue the institution already established, to make provision for the leasing of such suitable build-

ing, buildings or apartments as may be necessary, to provide for the heating and lighting of such buildings or apartments and for such water as may be necessary to be used in such buildings or apartments; the rent of such buildings or apartments and the cost of furnishing the heating, lighting and water to be paid by the state under the direction of the board of control. The board is also authorized to furnish to such artisans as avail themselves of the privileges of this act a limited amount of materials and tools required in their employment. The board is also authorized to invest a sufficient amount of money in materials for use in the manufacture of different articles and to keep employed as an investment in materials a sum not exceeding twenty-five hundred dollars ($2500). The board is also authorized to provide for the raising of willow at one or more of the state institutions to be used in the manufacture of articles and to pay any expense which may be incurred in the raising of such willow.

Blind residing outside of Milwaukee county. SECTION 2. The said board may also, in its discretion, provide means of instruction in such buildings or apartments to any adult blind residents of the state who desire to learn a trade to enable such person to avail himself of the privileges conferred by this act. Said board may also provide for or make a reasonable allowance for the board of indigent blind artisans who are not residents of the city of Milwaukee, for a reasonable time, so as to enable them to learn a trade and become self-supporting, such allowance not to exceed in any case the sum of seventy-five dollars ($75). Said board may also provide means of transportation from any point within the state to Milwaukee for any indigent blind artisan who is a resident of the state and who desires to avail himself of the privileges of this act.

Superintendent; compensation. SECTION 3. Said board is authorized to employ some person to have charge and superintendence of such buildings or apartments and who shall direct what portion thereof shall be used by each person desiring to use the same. Said superintendent shall be paid compensation, to be fixed by the board.

Appropriation. SECTION 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of eight thousand dollars ($8,000) to be expended by the board of control in executing the requirements of this act during the current calendar year; and a further sum of

eight thousand dollars ($8,000) for expenses during the year 1906. The expenditures under this act shall not exceed the amounts herein appropriated unless the amount shall be increased pursuant to the provisions of section 563 of the statutes of 1898.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 370, A.] [Published June 13, 1905.

CHAPTER 346.

AN ACT relating to memorial hall, and appropriating a certain sum of money therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. The sum of three hundred dollars ($300.00) is hereby appropriated to be used, during the ensuing two years, under the direction of the custodian of the memorial hall, established by authority of chapter 125 laws of 1901, in the purchase of pictures and books, the framing of pictures and rebinding of books, the procuring of war relics, and in such other ways as will, in his judgment, best serve the purpose for which the said memorial hall was established.

How paid. SECTION 2. The money thus appropriated shall be paid out of the state treasury on vouchers signed and certified by the said custodian and approved by the governor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 376, A.] [Published June 13, 1905.

CHAPTER 347.

AN ACT to provide a penalty for failure, neglect or refusal by corporations to make and file reports and statements and keep books open for inspection, as now required by law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty. SECTION 1. Any corporation required to make, file and keep the reports and statements provided for by section 1750 of the statutes of 1898, and to allow the inspection of its books and accounts and give the information provided for by section 1757 of said statutes, and any officer, manager, agent, director or trustee of such corporation who shall fail, neglect or refuse to fully and promptly perform and carry out the duties so imposed shall, in addition to all other existing penalties, forfeit not less than twenty-five nor more than one hundred dollars for each and every failure, neglect or refusal, to be collected by civil action in favor of any stockholder or creditor thereby aggrieved.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 436, A.] [Published June 13, 1905.

CHAPTER 348.

AN ACT to promote the safety of railroad employees by compelling the erection of tell tales.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Erection of tell tales compelled. SECTION 1. Whenever in the state of Wisconsin there shall be over, above or across any of the tracks of any railroad a bridge, crossing, viaduct, or other obstruction of a height of less than seven feet above the roof of any freight car used on or hauled over said road, or wherever there shall be upon any railroad in the state of Wisconsin any bridge or other structure that shall have over or above any track of said road a transverse beam, girder, rod or other obstruction at a height of less than that above mentioned, it shall be the duty of the officers of such railroad, to erect and keep in repair at or near such bridge, crossing, viaduct, or other obstruction tell tales made and placed as provided for in section 2 of this act.

How constructed and placed. SECTION 2. The tell tales mentioned in section 1 of this act shall consist of a transverse rod, beam or timber placed across the track or tracks of said railroad at such a height and at such distance from the bridge or other obstruction as the railroad commissioner shall direct, and from said rod or beam shall be suspended straps, ropes or cords of such size and of such length and of such material as the railroad commissioner shall direct; the said straps, ropes or cords shall be attached to said transverse rod or beam at a distance not greater than nine (9) inches from each other for a space of eight feet directly over the track; said tell tales shall be placed upon both sides of such bridge, viaduct or other obstruction.

Penalty. SECTION 3. Any railroad company, lessee or other person or persons operating any railroad that shall refuse or neglect to erect the tell tales required by this act for the space of sixty days after notice from the railroad commissioner requiring erection of such tell tales shall be liable to a penalty of not

less than fifty nor more than one hundred dollars, to be recovered in an action to be brought by the attorney general in the name of the state of Wisconsin in the county wherein such bridge or obstruction may be situated, and for every twenty days' delay thereafter in erecting such tell tales, such company or person shall be liable to the same penalty to be collected as above provided.

Statement to be filed by railroad company. SECTION 4. Within sixty days from the passage of this act, every railroad or other company operating a line of railroad within the state shall file with the railroad commissioner at his office in Madison a verified statement showing the location of each bridge, crossing, viaduct, or other obstruction across any track or tracks of said road at a height of less than seven feet above the roof of any car used on or hauled over said road, and on or before the 30th day of June in each year it shall be the duty of such railroad or other company operating a line of railroad within this state to file with the railroad commissioner a like verified report together with a statement showing whether or not the provisions of this act have been fully complied with.

Injuries sustained by employees. SECTION 5. An employee of a railroad corporation who is injured by or because of the existence of any bridge, viaduct or other obstruction over, above or across any of the tracks of said railroad at a height less than that provided in this act which has not been protected by the erection of tell tales, as provided in this act, shall not be considered to have assumed the risk of such injury, although he continues in the employ of such corporation after the existence of such unguarded bridge, viaduct, or other obstruction has been brought to his knowledge.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 347, A.] [Published June 13, 1905.

CHAPTER 349.

AN ACT to amend section 1548a of the statutes of 1898 relating to excise and the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pharmacist's permit; fee; conditions. SECTION 1. Section 1548a of the statutes of 1898 is hereby amended so as to read as follows: Section 1548a. Every town and village board and every common council may, upon written application therefor, grant to such registered *pharmacist*, as they may deem proper, permits to sell within their respective towns, villages or cities, strong, spirituous and ardent liquors in quantities less than one gallon for medicinal, mechanical or scientific purposes only and not to be drank on the premises. The sum to be paid for such permit shall be ten dollars and it shall be granted and issued in the manner and terminate at the same time as the license provided for in the preceding section; but it shall not be necessary for any such pharmacist to furnish the bond required by section 1549; *provided, however, that in any town, village or city where license for the sale of intoxicating liquors is not granted, no sale for either medicinal, mechanical or scientific purposes shall be made by any such pharmacist until the person purchasing the same shall for each sale make and file a certificate in writing dated and subscribed by him and witnessed by such registered pharmacist, stating for what purpose the liquor so desired is to be used and is not for a beverage; and also stating, in case of a sale for medicinal purposes on a physician's prescription its date and number and the name of the physician issuing the same. Such certificate and prescription shall be filed and preserved with the book hereinafter mentioned, be considered a public record at all times open to inspection by any member of the town or village board or council, or any peace officer mentioned in section 1553, and be produced in court; and at the end of each month all such certificates and prescriptions received by him shall be filed with the town, village or city clerk.* If any such board or council shall refuse to grant any such permit, any registered pharmacist may nevertheless sell such liquors for medicinal purposes only on *such certificate and* a written prescription for each

sale of a practicing physician who is competent to testify in a professional capacity as provided in section 1436. It shall be the duty of every pharmacist * * * to keep a book in which he shall enter the date, kind and quantity of every sale of any such liquor made by him, the name of the person to whom it was sold, and the purpose for which the sale was made. * * * Every such pharmacist shall on the third Tuesday in April of each year file with the clerk of the town, village or city in which he does business a verified copy of all the entries in such book. Any person who shall make any false *certificate,* statement or representation to any *physician to secure a prescription for such liquor or to a* registered pharmacist, * * * or to any of his clerks and employees, for the purpose of inducing either of them to sell any liquor for use for any other than medicinal, mechanical or scientific purposes, and shall thereby *secure such prescription and* * * * a sale thereof to be made in violation of law, *and* any such pharmacist who shall refuse or neglect to comply with any of the requirements of this section, shall be punished by a fine of not less than forty dollars nor more than two hundred dollars, besides the cost of suit, or by imprisonment in the county jail not less than thirty days nor more than *eight months. If any pharmacist shall be convicted of violating any of the provisions of this chapter, the court in rendering judgment for such conviction may make an order cancelling and annulling defendant's permit and also his certificate as a registered pharmacist, if any, or the permit and such certificate of the person, firm or corporation, or any member thereof, for whom he is acting or by whom he is employed, if such offense he committed with his or their knowledge or consent: and may also direct the abatement and closing of his or their place of business as a nuisance for not less than three months nor more than one year: and in case of a second or any subsequent conviction within one year after any other conviction the court shall make such orders and during such time no permit or certificate shall be issued to the defendant, or the person, firm or corporation whose permit or certificate was cancelled, or to any other person, firm or corporation for carrying on such business at such place.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 496, A.] [Published June 13, 1905.

CHAPTER 350.

AN ACT to authorize W. H. Dick, his associates, successors, heirs and assigns to maintain two dams across the Embarrass river, Shawano county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of dams authorized; location. SECTION 1. W. H. Dick, his associates, successors, heirs and assigns are hereby authorized and empowered to build and maintain two dams across the Embarrass river, Shawano county, Wisconsin, one upon the east one-half (E. ½) of the southeast quarter (S. E. ¼) section thirty-two (32), township twenty-eight (28) north, range thirteen (13) east, the other upon the southeast quarter (S. E. ¼) of the northwest quarter (N. W. ¼), section fifteen (15), township twenty-seven (27) north, range thirteen (13) east, for the purpose of improving the navigation of said stream; and the said W. H. Dick, his associates, successors, heirs and assigns are hereby authorized to use the surplus hydraulic power created by said dams for the transmission of electric power, manufacturing or any other lawful purposes.

Gates and slides. SECTION 2. There shall be maintained in said dams suitable gates and slides to admit of the free passage of logs over the same. Said dams, slides and gates shall be under the control of the aforesaid person, heirs or assigns.

Fishways. SECTION 3. The dams so erected shall be provided with good and sufficient fishways, to be approved by the state board of commissioners of fisheries, and such fishways shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river.

Flowage rights. SECTION 4. Said W. H. Dick, his associates, successors, heirs and assigns, for the purpose of acquiring any flowage rights, which they may deem necessary in carrying out the provisions of this act, may exercise the powers, granted to corporations by sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898 and such amendment thereto as may have been or may be made.

Improvement of river. SECTION 5. The aforesaid person, heirs, or assigns is hereby authorized to improve the said river above or below said dams by removing rocks and other obstructions for the purpose of facilitating the driving of logs.

Powers reserved. SECTION 6. The power to alter, amend or repeal this act is hereby reserved.

No corporate powers granted. SECTION 7. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

Conditions. SECTION 8. This act is passed in consideration of and upon the following express conditions:

1. The dams herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, they must be maintained and operated continuously and their maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dams and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, how forfeited. SECTION 9. The refusal of the owner or owners to submit to arbitration as herein provided,

the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee or lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had, of such power or accumulation of water.

When act to take effect. SECTION 10. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 12, 1905.

No. 569, A.] [Published June 13, 1905.

CHAPTER 351.

AN ACT defining the powers of electors of town free high school districts in the matter of providing and equipping school buildings and providing for locations thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Question to be submitted to vote. SECTION 1. Upon the filing with the town clerk or clerks of each town included in any town free high school district and with the village clerk of any village included therein, a petition in writing signed by at least ten per cent of the qualified electors of such town high school district as determined by the last preceding gubernatorial election asking to have submitted to a vote of the electors of said district the question of erecting a new school building therein or building an addition to a school house or furnishing such

building with necessary furniture and heating and ventilating apparatus, the supervisors of the several towns and the trustees of any village included in any such joint free high school district, shall give notice of an election to be held in such towns or town and towns and village for the purpose of voting upon such question, which shall be submitted to be voted upon in the form of a resolution embodying the question to be submitted and the amount of money proposed to be raised for such purpose upon which the electors shall vote aye or nay, and such resolution shall be adopted if a majority of the total vote in the entire joint free high school district be in favor thereof. Before issuing notice of such election the town clerks of the several towns and villages if any, included in such school district, shall meet and determine on a time for holding such election, which shall be held in each town and village upon the same day, and within ten days after such election shall have been had the clerks of the several towns and villages included in such district shall meet and canvass the returns of such election and announce the result thereof and make a written report thereon and file the same with the clerks of the several towns and villages included in such school district. Such election shall be noticed and conducted and the votes counted in the several towns as at town meetings and in a village, if any, as at village elections.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 687, A.] [Published June 13, 1905.

CHAPTER 352.

AN ACT to appropriate a certain sum to the Wisconsin state fireman's association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated to the Wisconsin State Fireman's Association the sum of eight hundred dollars, out of any moneys not otherwise

appropriated. This approproation is for the years 1905 and 1906, and the said sum so appropriated shall be paid to said association in two equal payments to be made on or before the first day of June in each of said years. Provided that the secretary of the Wisconsin State Fireman's Association shall file each year on or before the 31st day of December a verified itemized statement of the expenditure of the money received from the state during the year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 697, A.] [Published June 13, 1905.

CHAPTER 353.

AN ACT to amend section 1977 of the statutes of 1898 relating to agents of insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Who are agents. SECTION 1. Section 1977 of the statutes of 1898 is hereby amended so as to read as follows: Section 1977. *Every person or member of a firm or corporation* who solicits insurance on behalf of any insurance corporation or person desiring insurance of any kind, or transmits an application for a policy of insurance, other than for himself, to or from any such corporation, or who makes any contract for insurance, or collects any premium for insurance, or in any manner aids or assists in doing either, or in transacting any business of like nature for any insurance corporation, or advertises to do any such thing, shall be held to be an agent of such corporation to all intents and purposes, unless it can be shown that he receives no compensation for such services. This section shall not apply to *agents of licensed fraternal beneficiary societies, or mutual fire insurance companies of this state except those organized under section 1896, 1897 and 1898.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 705, A.] [Published June 13, 1905.

CHAPTER 354.

AN ACT to amend section 186 of the statutes of 1898 as amended by section 3 of chapter 432 of the laws of 1901, relating to the custody of the records and papers pertaining to the public lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of commissioners; records, etc. SECTION 1. Section 186 of the statutes of 1898 as amended by section 3 of chapter 432 of the laws of 1901 is hereby amended so as to read as follows: Section 186. Said commissioners shall keep their office at the capitol. They shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field-notes, plats and other papers pertaining to the public lands heretofore, now or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. They may perfect such records, books, reports, surveys, maps, field-notes, plats and other papers when incomplete, and cause fair copies thereof to be made when, from injury, loss, use or accident, it shall become necessary; and any such copy, when certified by the chief clerk of the land office, under his hand and the official seal of said office, to have been made for any of the causes herein specified, and to be a correct copy thereof, shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field-notes, plats and other papers, or from any record or papers required by law to be kept in their office or any copy from said certified copy thereof, when certified by the secretary of state under the great or lesser seal, shall be received in evidence with the same effect as the original. All records, books, and files kept by the commissioners shall at all business hours be open, under proper regulations made by them, to the inspection of any person free of charge. * * * *The commissioners also may in like manner make, perfect and complete proper records, books, reports and other papers pertaining to the lands of which the state has been or is trustee for the United States. Books and papers of all kinds pertaining to such lands and to such lands generally now deposited in the sev-*

eral state offices of the capitol, may be removed to the state land office to be placed on deposit there permanently as soon as the vaults pertaining to such office shall be made fireproof and suitable therefor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 718, A.] [Published June 13, 1905.

CHAPTER 355.

AN ACT to appropriate a sum of money to Thaddeus M. Talcott for boiler compound furnished to the state upon order of the superintendent of public property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of one hundred and twenty dollars to be paid to Thaddeus M. Talcott for six hundred pounds of boiler compound furnished by him to the state upon the order of the superintendent of public property.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 747, A.] [Published June 13, 1905.

CHAPTER 356.

AN ACT to amend section 1941—40, of the statutes of 1898, relating to reports of retail lumber dealer's insurance associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Report of lumber dealer's insurance associations. SECTION 1. Section 1941—40, of the statutes of 1898 is hereby amended to read as follows: Section 1941—40.* *The president or the vice-president and the secretary shall annually on or before the 31st day of January prepare and file in the office of the commissioner of insurance a detailed statement, verified by their oaths, of the business of the corporation during the year and its condition on the 31st day of December next preceding, such statement to show the number of policies issued, and the amounts insured thereby, the number of assessments and the amounts paid upon each, the losses sustained, and whether the same have been paid or adjusted, or remain unpaid or unadjusted, or are resisted, the amount of assessments unpaid, the number of new policies issued, and an itemized statement of the expenses, the amount and condition of its funds and any other information called for by the commissioner. A copy of such statement shall be submitted to the members of the association at the annual meeting.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

*Entire section rewritten.

No. 748, A.] [Published June 13, 1905.

CHAPTER 357.

AN ACT to amend section 1955g of the statutes of 1898, providing for report of fraternal beneficiary societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual report. SECTION 1. Section 1955g statutes of 1898 is hereby amended by adding at the end of said section, the following paraghaph: "*31. A schedule giving the number of members in groups according to attained ages, the amount of insurance in force, the amount received in premiums or mortuary assessments during the year, the number of deaths and the amount of death losses incurred during the year in each group at attained age.*"

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 757, A.] [Published June 13, 1905.

CHAPTER 358.

AN ACT to amend section 2014—13 of the statutes of 1898, relating to building and loan associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Examinations. SECTION 1. Section 2014—13 of the statutes of 1898 is hereby amended to read as follows: Section 2014—13. *At least once in each year,* the said examiner shall make or cause to be made an examination into the affairs of all such associations and for that purpose shall have full access to, and may compel the production of, all their books, papers, securities

and moneys, administer oaths to and examine their officers and agents as to their affairs. Special examinations shall be made upon written request of five or more members, they guaranteeing the expense of the same; otherwise, the actual and necessary expenses of such examination shall be paid out of the state treasury. Any such association refusing to submit to an examination ordered or requested shall be reported to the attorney-general, who shall institute proceedings to have its charter revoked, which refusal shall be the cause for such revocation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 765, A.] [Published June 13, 1905.

CHAPTER 359.

AN ACT amendatory of section 20 and section 21 of chapter 451 of the laws of 1903, relating to primary elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City board of canvassers; quorum; meetings; when held. SECTION 1. Section 20 of chapter 451 is hereby amended to read as follows: Section 20. The canvass of the returns of a city primary shall be made by * * * the city clerk * * * *and the chairman of the city party committees of the various recognized parties in such city,* any two of whom shall constitute a quorum. Such board of canvassers shall meet at eleven o'clock in the forenoon of the day following the city primary and canvass the vote substantially as provided by sections 82 and 83, statutes of 1898. They shall make and certify duplicate returns as to the votes cast for the candidates and forthwith certify and file one complete return with the city clerk and deliver so much of the other as relates to each party to the respective city chairman. So far as applicable and not otherwise provided herein, the provisions of this act shall apply to all city primaries, provided that nomination papers therefor

shall be filed at least fifteen days, a list of candidates posted and published at least ten days, and the official ballot printed at least four days before the day of holding such primaries.

Party committees. SECTION 2. Section 21 is hereby amended so as to read as follows: Section 21. 1. At the September primary each voter may write in the space left on his ticket for that purpose the names of not to exceed three qualified electors of the precinct for members of his party precinct committee. The three having the highest number of votes shall constitute such committee, and the one having the largest vote shall be chairman. The official return made by the inspectors shall show the name and address of each party committeeman chosen.

2. The party committee of each * * * county * * * shall consist of *one ward chairman from each ward in the city, one member from each township and one member from each village, who shall be a chairman of a party precinct committee and who shall be elected by a majority of the members of the different precinct committees in such ward of such city, township or village respectively. The chairman of the county committee shall call a meeting of the various precinct committees in each respective ward of such city, township and village for the purpose of electing a representative to such county committee. Such meeting shall be held two days after the holding of such primaries. Such meeting shall be called by an official call which shall be published ten days before the holding of such primaries in a newspaper of general circulation in the city or county where such primaries are held. The assembly district committee shall consist of the party chairman of each precinct in such city, county or district;* the state senatorial district committee of the chairman of the assembly district committees in such senatorial district; the congressional *committee* of the party chairman of the senatorial district *committee* wholly or partially within such congressional district; the state central committee as hereinafter provided. Each such committee shall choose its officers by ballot excepting as herein provided. *Five days after the members of the various precinct committees have met and elected a representative to the county committee from the various wards in cities and from villages, and townships in such county, the chairman of the county committee shall call a meeting of the various chairmen of the precinct committees in each assembly district, for the purpose of electing a chairman who shall be a member of the senatorial district committee of such city, village and township in such county, and five days following the election of the*

members of the senatorial district committee the chairman of the county committee shall call a meeting of the various senatorial district committees for the purpose of electing a chairman, who shall be a member of the congressional district committee in such city, village and township in such county, wholly or partially within such congressional district. Provided, however, in case within such congressional district. Provided, however in case one county, such meeting shall be called by the chairman of the state central committee.

3. Each committee and its officers shall have the powers usually exercised by such committees, and by the officers thereof, in so far as is consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with this act. At all meetings of said city, county and assembly district committees each *ward or* precinct chairman, *as the case may be,* shall have one vote for every fifty votes, or major fraction thereof, cast by his party in his *respective ward or* precinct, *as the case may be,* at the last general election, each such chairman also to have at least one vote *for each precinct in his ward,* the vote at such general election to be determined as provided in section 5 of this act. The duties of the party *ward* chairman, when he shall be unable to perform the same, shall be performed by a member of *any* party precinct committee *in his ward* designated by him. The duties of the chairman or secretary of any other committee may be performed by members of such committee, selected by such chairman or secretary. Any vacancy in any committee office shall be filled in the same manner as that in which such officer was originally chosen, except that in the case of a vacancy in the chairmanship of a precinct committee, the committee shall elect one of its members to fill such vacancy.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 766, A.] [Published June 13, 1905.

CHAPTER 360.

AN ACT to amend section 20 of the statutes of 1898, relating to the notice of election by the secretary of state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice of election by secretary of state. SECTION 1. Section 20 of the statutes of 1898 is hereby amended so as to read as follows: Section 20. The secretary of state, between the first day of July and the first day of September in each year in which state officers, representatives in congress, members of the assembly and state senators are to be elected for a full term of office, or in which electors of president and vice-president are to be elected, shall make out a notice in writing stating that at the next general election to be held on the Tuesday next succeeding the first Monday in November following, the officers aforesaid, or so many of such officers as are then to be chosen, are to be elected, and specifying in the case of such representatives and senators the respective districts in which they are to be elected, and shall publish a copy of such notice in a newspaper printed at the seat of government once in each week from the date of such notice until the election to which it refers, and shall transmit by mail a like notice to the county clerk of each county, specifying the said officers to be voted for in said county, and in case of a senator, the number of his district, *and also any constitutional amendment or other question to be submitted to the electors of the state for a popular vote.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 12, 1905.

No. 160, A.] [Published June 15, 1905.

CHAPTER 361.

AN ACT to provide for the establishment of a state tuberculosis sanatorium.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sanatorium established. SECTION 1. There is hereby established a sanatorium known as the Wisconsin State Tuberculosis Sanatorium for the treatment of pulmonary tuberculosis, especially for cases in the incipient stages of this disease.

Advisory board. SECTION 2. The general supervision and government of this sanatorium, except the financial supervision, shall be vested in an advisory board, which shall consist or five members appointed by the governor, one of whom shall be a member of the state board of health and at least two other members shall be licensed physicians, graduates of a reputable medical college, and who shall hold their offices for the terms of one, two, three, four and five years respectively, beginning with the first day of July, 1905, and continuing until their respective successors are appointed and qualified. Previous to the first day of July in each year thereafter, the governor shall in like manner appoint one member to hold office for the term of five years, beginning with the first day of July of the year of his appointment and continuing until his successor is appointed and qualified. Any member of the advisory board may be removed by the governor for such cause as he may deem sufficient, and any vacancy occurring from any cause in said board shall be filled as hereinbefore provided for the unexpired term. No member of the advisory board shall receive any compensation for his services, but all expenses incurred in the discharge of his official duties shall be paid from the current expense fund of the institution upon the presentation of vouchers properly certified.

Duties of advisory board; of state board of control. SECTION 3. It shall be the duty of the advisory board to select a site for the sanatorium, such site to be selected from the list of eligible locations to be submitted by the state tuberculosis commission,

which was appointed in compliance with joint resolution No. 12, of the legislature of 1903. All matters pertaining to the financial management of the sanatorium, including the purchase of a site, the erection and equipping of buildings, together with all matter relating to the financial affairs of the sanatorium shall be under the immediate direction of the state board of control, but no contracts for the erection of such buildings shall be made until the advisory board has approved the same, and no expenditures shall be incurred except for plans therefor, until said plans have been approved by the state board of control, and no such approval shall be given until the state board of control is satisfied that the total expenditures for the erection and completion of the buildings and equipment of the same, ready for occupancy, together with the real estate purchase, will not exceed the sum of money hereinafter appropriated for that purpose.

Superintendent, medical assistants, and other employes; annual report, printing of. SECTION 4. The appointment and removal of the superintendent of the sanatorium shall be made by the advisory board, but his compensation shall be fixed by the state board of control. The superintendent of the sanatorium shall appoint, subject to the approval of the advisory board, such medical assistance as the advisory board may consider necessary. All other employes necessary for the efficient management of the institution shall be selected by the superintendent. The number of such employes and the compensation for all such medical assistants and employes shall be determined by the state board of control. The superintendent shall have general charge of the sanatorium grounds and the direction, control and discipline of all persons, employes and patients. He shall maintain salutary discipline among all employes and patients of the sanatorium and enforce strict obedience to all rules and regulations of the institution. All rules and regulations relating to the conduct of patients and employes shall be formulated by the superintendent, subject to the approval of the advisory board. The superintendent shall cause complete records to be kept of all persons admitted as patients—which records shall show the period of treatment of each patient—and shall submit to the state board of control monthly reports of the institution in such form as the state board of control may require. The superintendent shall also submit a biennial report to the state board of control, giving in detail the methods of treatment of patients, the results accomplished, and

a general account of the conditions existing at the institution. Such report shall be included in and made a part of the biennial report of the state board of control, and said board of control may authorize the printing of a number of copies of the separate report of said institution, which number shall not exceed one thousand copies—the charges for such separate copies to be paid in the same manner as reports of the various departments of state are now paid.

Duties of state board of control. SECTION 5. The duties of the state board of control with reference to this institution shall be similar to the duties prescribed by chapter 291 of the statutes of 1898 in reference in state institutions, except as otherwise specifically provided herein.

Appropriation. SECTION 6. To carry into effect the purposes specified in this act, there is hereby appropriated out of any moneys in the general treasury, not otherwise appropriated, for the purchase of a site, the construction and erection of all necessary buildings, the equipment and furnishing of the same, complete and ready for occupancy, the sum of ninety thousand dollars ($90,000), to be available in such amounts and at such times as the state board of control may direct. There is also appropriated for the surrent expenses of said sanatorium a sum not exceeding twenty-five thousand dollars ($25,000), which shall be available whenever the state board of control so directs.

Admission to sanatorium. SECTION 7. All persons affected with pulmonary tuberculosis may be admitted to said hospital, but preference shall be given to those suffering from the disease in the incipient form. No person shall be so admitted unless he has been a resident of the state for a period of at least one year preceding his application for admission. Applicants for admission to the sanatorium shall be examined at various places throughout the state, designated by the advisory board. Such examinations shall be made by the regularly authorized medical examiner or examiners of said institution, who shall be a citizen or citizens of Wisconsin, and whose duty it shall be to examine all persons applying for admisson to the sanatorium. The fee of the examining physician shall not exceed four dollars ($4.00) in any case, said amount to be paid by the applicant. If the applicant is unable to pay such fee, then such fee shall be a charge against the county in which the patient resides. Said examining physician shall be appointed by the advisory board.

Cost of maintenance of patients, how paid. SECTION 8. All persons admitted as patients to the sanatorium shall pay to said institution the cost of their maintenance. The charges for any patient or patients may, however, be paid by any person or persons or society. The determination of such sum shall be made by the superintendent and the state board of control. Any person who is unable to pay the charges for his or her support may be admitted to said sanatorium after it has been determined by the examining physician that such person is suffering from pulmonary tuberculosis, provided, however, that before such person shall be admitted to the sanatorium, he or she shall file a statement with the judge of the probate court of the county within which he or she resides, setting forth the fact that he or she is unable to pay the regular charges. Said judge, upon presentation of the report of the duly authorized examining physician that said person is afflicted with pulmonary tuberculosis, shall make an investigation, and if he finds that said applicant or his legal representatives are actually unable to pay such charges, shall approve in writing the application of such person. Said judge shall immediately forward to the superintendent of the sanatorium a certificate in writing that said patient is unable to pay said charges and that he or she is a resident of the county in which such application has been so approved. The county from which such patient has been so certified shall be chargd with the maintenance of such patient at the rate of five dollars ($5.00) per week during the time that he or she remains in said institution as an inmate. Such charges shall be collected in the manner provided by section 561e of the statutes of 1898.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved June 13, 1905.

No. 268 S.] [Published June 15, 1905.

CHAPTER 362.

AN ACT, to regulate railroads and other common carriers in this state, create a board of railroad commissioners, fix their salaries, define their duties, prevent the imposition of unreasonable rates, prevent unjust discriminations, insure an adequate railway service, prescribe the mode of procedure and the rules of evidence in relation thereto, prescribe penalties for violations, and making an appropriation therefor.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission, how created; qualifications, etc. SECTION 1. A railroad commission is hereby created to be composed of three commissioners. Immediately after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint such commissioners, but no commissioner so appointed shall be qualified to act until so confirmed. The term of one such appointee shall terminate on the first Monday in February, 1909; the term of the second such appointee shall terminate on the first Monday in February, 1911; and the term of the third such appointee shall terminate on the first Monday in February, 1913. In January, 1909, and biennially thereafter, there shall be appointed and confirmed, in the same manner, one commissioner for the term of six years from the first Monday in February of such year. Each commissioner so appointed shall hold his office until his successor is appointed and qualified. Any vacancy shall be filled by appointment by the governor for the unexpired term, subject to confirmation by the senate, but any such appointment shall be in full force until acted upon by the senate.

a. The said commissioners shall have the following qualifications: One shall have a general knowledge of railroad law; each of the others shall have a general understanding of matters relating to railroad transportation.

b. The governor may at any time remove any commissioner for inefficiency, neglect of duty or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, which shall not be less than ten days thereafter, and said hearing shall be open to the public. If he shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and his findings thereon with the record of the proceedings.

c. No person so appointed shall be pecuniarily interested in any railroad in this state or elsewhere, and if any such commissioner shall voluntarily become so interested, his office shall *ipso facto* become vacant; and if he shall become so interested otherwise than voluntarily he shall within a reasonable time divest himself of such interest; failing so to do, his office shall become vacant.

d. No commissioner, nor the secretary, shall hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

e. Before entering upon the duties of his office, each of said commissioners shall take and subscribe the constitutional oath of office, and shall in addition thereto swear (or affirm) that he is not pecuniarily interested in any railroad in this state or elsewhere, and that he holds no other office of profit, nor any position under any political committee or party; which oath or affirmation shall be filed in the office of the secretary of state.

f. Each of said commissioners shall receive an annual salary of five thousand dollars, payable in the same manner as salaries of other state officers are paid.

g. The commissioners appointed under this act shall within twenty days after their appointment and confirmation meet at the state capitol and organize by electing one of their number chairman, who shall serve until the second Monday of February, 1907. On the second Monday of February in each odd numbered year the commissioners shall meet at the office of the commission and elect a chairman, who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

h. Said commission may appoint a secretary at a salary of not more than twenty-five hundred dollars per annum, and may appoint not more than three clerks, two of whom shall receive an annual salary not exceeding one thousand dollars each, and one of whom shall be an expert stenographer and receive an annual salary not exceeding fifteen hundred dollars, and may employ such other experts as may be necessary to perform any service it may require of them, and shall fix their compensation.

i. The secretary shall take and subscribe to an oath similar to that of the commissioners, and shall keep full and correct records of all transactions and proceedings of the commission, and shall perform such other duties as may be required by the commission. Any person ineligible to the office of commissioner shall be ineligible to the office of secretary.

j. The commissioners shall be known collectively as "Railroad Commission of Wisconsin," and in that name may sue and be sued. It shall have a seal with the words "Railroad Commission of Wisconsin," and such other design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the courts shall take judicial notice.

k. The commission shall keep its office at the capitol, and shall be provided by the superintendent of public property with suitable room or rooms, necessary office furniture, supplies, stationery, books, periodicals, maps, and all necessary expenses shall be audited and paid as other state expenses are audited and paid. The commission may hold sessions at any place other than the capitol when the convenience of the parties so requires. The commissioners, secretary and clerks, and such experts as may be employed, shall be entitled to receive from the state their actual necessary expenses while traveling on the business of the commission. Such expenditures to be sworn to by the person who incurred the expense and approved by the chairman of the commission.

l. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of railroads and other parties before it, and all hearings shall be open to the public.

m. The commission may confer by correspondence, or by attending conventions, or otherwise, with the railroad commissioners of other states, and with the interstate commerce commission, on any matters relating to railroads.

The term "railroad" defined. SECTION 2. The term "railroad" as used herein shall mean and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees or receivers (appointed by any court whatsoever) that now, or may hereafter, own, operate, manage or control any railroad or part of a railroad as a common carrier in this state, or cars, or other equipment used thereon, or bridges, terminals, or side tracks, used in connection therewith, whether owned by such railroad or otherwise. The term "railroad" whenever used herein shall also mean and embrace express companies, and all duties required of and penalties imposed upon any railroad or any officer or agent thereof shall, in so far as the same are applicable, be required of and imposed upon express companies and their officers and agents, and the commission shall have the power of supervision and control of express companies to the same extent as railroads.

a. The provisions of this act shall apply to the transportation of passengers and property between points within this state, and to the receiving, switching, delivering, storing and handling of such property, and to all charges connected therewith, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight and freight line companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon or over any line of railroad within this state, and to any common carrier engaged in the transportation of passengers and property wholly by rail or partly by rail and partly by water.

b. This act shall not apply to street and electric railroads engaged solely in the transportation of passengers within the limits of cities, nor to logging or other private railroads not doing business as common carriers.

Service, rates, etc. SECTION 3. Every railroad is hereby required to furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered in the transportation of passengers or property or for any service in connection therewith, or for the receiving, switching, delivering, storing or handling of such property, shall be reasonable and just, and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

Schedules. SECTION 4. Every railroad shall print in plain type and file with the commission within a time to be fixed

by the commission, schedules which shall be open to public inspection, showing all rates, fares and charges for the transportation of passengers and property, and any service in connection therewith, which it has established and which are in force at the time between all points in this state upon its line, or any line controlled or operated by it, and the rates, fares and charges shown on such schedules which are to take effect prior to January 1, 1906, shall not exceed the rates, fares and charges shown on the schedules filed under the provisions of section 35 of this act. The schedules printed as aforesaid shall plainly state the places upon its line or any line controlled or operated by it in this state between which passengers and property will be carried, and there shall be filed therewith the classification of freight in force. Every railroad shall publish with and as a part of such schedules all rules and regulations that in any manner affect the rates charged or to be charged for the transportation of passengers or property, also its charges for delay in loading or unloading cars, for track and car service or rental and for demurrage, switching, terminal or transfer service, or for rendering any other service in connection with the transportation of persons or property. Two copies of said schedules for the use of the public shall be filed and kept on file in every depot, station and office of such railroad where passengers or freight are received for transportation in such form and place as to be accessible to the public and can be conveniently inspected. When passengers or property are transported over connecting lines in this state operated by more than one railroad, and the several railroads operating such lines establish joint rates, fares and charges, a schedule of joint rates shall also in like manner be printed and filed with the commission and in every depot, station and office of such railroads where such passengers or property are received for transportation.

a. No change shall thereafter be made in any schedule, including schedule of joint rates, or in any classification, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided, that the commission, upon application of any railroad, may prescribe a less time within which a reduction may be made. Copies of all new schedules shall be filed as hereinbefore provided in every depot, station and office of such railroad, ten days prior to the time the same are to take effect unless the commission shall prescribe a less time.

b. Whenever a change is made in any existing schedule, including schedule of joint rates, a notice shall be posted by the railroad in a conspicuous place in every depot, station and office, stating that changes have been made in the schedules on file, specifying the class or commodity affected and the date when the same will take effect.

c. It shall be unlawful for any railroad to charge, demand, collect or receive a greater or less compensation for the transportation of passengers or property or for any service in connection therewith than is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, and the rates, fares and charges named therein shall be the lawful rates, fares and charges until the same are changed as herein provided.

d. The commission may prescribe such changes in the form in which the schedules are issued by the railroad as may be found expedient.

Joint rates. SECTION 5. Whenever passengers or property are transported over two or more connecting lines of railroad between points in this state, and the railroad companies have made joint rates for the transportation of the same, such rates and all charges in connection therewith shall be just and reasonable, and every unjust and unreasonable charge is prohibited and declared to be unlawful; provided, that a less charge by each of said railroads for its proportion of such joint rates than is made locally between the same points on their respective lines shall not for that reason be construed as a violation of the provisions of this act, nor render such railroads liable to any of the penalties hereof.

Commodity rates. SECTION 6. Nothing in this act shall be construed to prevent concentration, commodity, transit and other special contract rates, but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provisions of this act as to the printing and filing of the same: Provided, all such rates shall be under the supervision and regulation of the commission.

Classification. SECTION 7. There shall be but one classification of freight in the state which shall be uniform on all railroads.

Reduced rates and free transportation. SECTION 8. Nothing herein shall pervent the carriage, storage or handling of freight free or at reduced rates for the United States, the state, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat, or household goods the property of railway employes; or the issuance of mileage, commutation or excursion passengers' tickets, provided that the same shall be obtainable by any person applying therefor without discrimination, or of party tickets, provided, that the same shall be obtainable by all persons applying therefor under like circumstances and conditions. This act shall not be construed as preventing railroads from giving free transportation or reduced rates therefor, to any minister of the gospel, officer or agents of incorporated colleges, regular agents of charitable societies, when traveling upon the business of the society only, destitute and homeless persons, railroad officer, attorney, director, employe or members of their families; or to prevent the exchange of passes with officers, attorneys or employes of other railroads and members of their families; provided, that no person holding any public office or position under the laws of this state shall be given free transportation or reduced rates not open to the public.

a. Upon any shipment of live stock or other property of such nature as to require the care of an attendant, the railroad may furnish to the shipper or some person or persons designated by him, free transportation for such attendant, including return passage to the point at which the shipment originated; provided, there shall be no discrimination in reference thereto between such shippers, and the commission shall have power to prescribe regulations in relation thereto.

Depots. SECTION 9. It shall be the duty of every railroad to provide and maintain adequate depots and depot buildings at its regular stations for the accommodation of passengers, and said depot buildings shall be kept clean, well lighted and warmed, for the comfort and accommodation of the traveling public. All railroads shall keep and maintain adequate and suitable freight depots, buildings, switches and side tracks for the receiving, handling and delivering of freight transported or to be transported by such railroads; provided, that this shall not be construed as repealing any existing law on the subject.

Distribution of cars. SECTION 10. Every railroad shall, when within its power so to do, and upon reasonable notice,

furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight in car load lots. In case of insufficiency of cars at any time to meet all requirements, such cars as are available shall be distributed among the several applicants therefor in proportion to their respective immediate requirements without discrimination between shippers or competitive or non-competitive places; provided, preference may be given to shipments of live stock and perishable property.

a. The commission shall have power to enforce reasonable regulations for furnishing cars to shippers and switching the same, and for the loading and unloading thereof, and the weighing of cars and freight offered for shipment over any line of railroad.

Interchange of traffic. SECTION 11. All railroads shall afford all reasonable and proper facilities for the interchange of traffic between their respective lines, for forwarding and delivering passengers and property, and shall transfer and deliver without unreasonable delay or discrimination any freight or cars, loaded or empty, or any passengers destined to any point on its own or any connecting lines; provided, that precedence over other freight shall be given to live stock and perishable freight.

a. The commission shall have control over private tracks in so far as the same are used by common carriers, in connection with any railroad for the transportation of freight, in all respects the same as though such tracks were a part of the track of said railroad.

Complaints and investigations. SECTION 12. Upon complaint of any person, firm, corporation or association, or of any mercantile, agricultural or manufacturing society, or of any body politic or municipal organization, that any of the rates, fares, charges or classifications, or any joint rate or rates are in any respect unreasonable or unjustly discriminatory, or that any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are in any respect unreasonable or unjustly discriminatory, or that any service is inadequate, the commission may notify the railroad complained of that complaint has been made, and ten days after such notice has been given the commission may proceed to investigate the same as hereinafter provided. Before proceeding to make such investigation the commission shall give the railroad and the complain-

ant ten days' notice of the time and place when and where such matters will be considered and determined, and said parties shall be entitled to be heard and shall have process to enforce the attendance of witnesses. If upon such investigation the rate or rates, fares, charges or classifications, or any joint rate or rates, or any regulation, practice or service complained of shall be found to be unreasonable or unjustly discriminatory, or the service shall be found to be inadequate, the commission shall have power to fix and order substituted therefor such rate or rates, fares, charges or classification as it shall have determined to be just and reasonable and which shall be charged, imposed and followed in the future, and shall also have power to make such orders respecting such regulation, practice or service as it shall have determined to be reasonable and which shall be observed and followed in the future.

a. The commission may, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately, and at such times as it may prescribe. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

b. Whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, and that an investigation relating thereto should be made, it may, upon its own motion, investigate the same. Before making such investigation it shall present to the railroad a statement in writing setting forth the rate or change to be investigated. Thereafter, on ten days' notice to the railroad of the time and place of such investigation, the commission may proceed to investigate such rate or charge in the same manner and make like orders in respect thereto as if such investigation had been made upon complaint.

c. This section shall be construed to permit any railroad to make complaint with like effect as though made by any person, firm, corporation or association, mercantile, agricultural or manufacturing society, body politic or municipal organization.

Witnesses, depositions, etc. SECTION 13. Each of the commissioners, for the purposes mentioned in this act, shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and the production of papers, way-bills, books, accounts, documents and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or

any commissioner or any subpoena, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

a. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in courts of record, which shall be audited and paid by the state in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairman of the commission; provided, that no witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

b. The commission or any party may in any investigation cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

c. A full and complete record shall be kept of all proceedings had before the commission on any investigation had under section 12 of this act, and all testimony shall be taken down by the stenographer appointed by the commission. Whenever any complaint is served upon the commission under the provisions of section 16 of this act the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the circuit court of the county where the action is pending. A transcribed copy of the evidence and proceedings, or any specific part thereof, on any investigation, taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript in long hand of all the testimony on the investigation, or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the facts so certified. A copy of such transcript shall be furnished on demand, free of cost, to any party to such investigation.

Substitution and enforcement of rates. SECTION 14. Whenever, upon an investigation made under the provisions of this act, the commission shall find any existing rate or rates, fares, charges or classifications, or any joint rate or rates, or any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are unreasonable or unjustly discriminatory, or any service is inadequate, it shall determine and by order fix a reasonable rate, fare, charge, classification or joint rate to be imposed, observed and followed in the future in lieu of that found to be unreasonable or unjustly discriminatory, and it shall determine and by order fix a reasonable regulation, practice or service to be imposed, observed and followed in the future, in lieu of that found to be unreasonable or unjustly discriminatory, or inadequate, as the case may be, and it shall cause a certified copy of each such order to be delivered to an officer or station agent of the railroad affected thereby, which order shall of its own force take effect and become operative twenty days after the service thereof. All railroads to which the order applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any railroad in any such rates, fares or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the railroads affected thereby in like manner, and the same shall take effect within such times thereafter as the commission shall prescribe.

a. The commission may at any time, upon notice to the railroad, and after opportunity to be heard as provided in section 12, rescind, alter or amend any order fixing any rate or rates, fares, charges or classification, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

b. Whenever the rate ordered substituted by the commission shall be a joint rate or charge, and the railroads party thereto shall fail to agree upon the apportionment thereof within twenty days after the service of such order, the commission may, after a like hearing, issue a supplemental order declaring the apportionment of such joint rate or charge and the same shall take effect of its own force as part of the original order.

Orders reasonable. SECTION 15. All rates, fares, charges, classifications and joint rates fixed by the commission shall be

in force and shall be *prima facie* lawful, and all regulations, practices and service prescribed by the commission shall be in force and shall be *prima facie* reasonable, until finally found otherwise in an action brought for that purpose pursuant to the provisions of section 16 of this act.

Complaints and actions against substituted rates. SECTION 16. Any railroad or other party in interest being dissatisfied with any order of the commission fixing any rate or rates, fares, charges, classifications, joint rate or rates, or any order fixing any regulations, practices or service, may commence an action in the circuit court against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, fares, charges, classifications, joint rate or rates, fixed in such order, is unlawful, or that any such regulation, practice or service, fixed in such order, is unreasonable, in which action the complaint shall be served with the summons. The commission shall serve and file its answer to said complaint within ten days after the service thereof, whereupon said action shall be at issue and stand ready for trial upon ten days' notice by either party. All actions brought under this section shall have precedence over any civil cause of a different nature pending in said court, and the circuit court shall always be deemed open for the trial thereof and the same shall be tried and determined as other civil actions.

a. No injunction shall issue suspending or staying any order of the commission except upon application to the circuit court or presiding judge thereof, notice to the commission, and hearing.

b. If, upon the trial of such action, evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto, the court before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for fifteen days from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same, and may alter, modify, amend or rescind its order relating to such rate or rates, fares, charges, classification, joint rate or rates, regulation, practice or service complained of in said action, and shall report its action thereon to said court within ten days from the receipt of such evidence.

c. If the commission shall rescind its order complained of,

the action shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and judgment shall be rendered thereon, as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

d. Either party to said action, within sixty days after service of a copy of the order or judgment of the circuit court, may appeal to the supreme court. Where an appeal is taken the cause shall, on the return of the papers to the supreme court, be immediately placed on the state calendar of the then pending term, and shall be signed and brought to a hearing in the same manner as other causes on the state calendar.

e. In all trials under this section the burden of proof shall be upon the plaintiff to show by clear and satisfactory evidence that the order of the commission complained of is unlawful, or unreasonable, as the case may be.

Rules of evidence and practice. SECTION 17. In all actions and proceedings in court arising under this act all processes shall be served, and the practice and rules of evidence shall be the same as in civil actions, except as otherwise herein provided. Every sheriff or other officer empowered to execute civil processes shall execute any process issued under the provisions of this act, and shall receive such compensation therefor as may be prescribed by law for similar services.

a. No person shall be excused from testifying or from producing books and papers in any proceedings based upon or growing out of any violation of the provisions of this act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for, or on account of, any transaction, matter or thing concerning which he may have testified or produced any documentary evidence; provided, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

b. Upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be *prima facie* evidence of the facts stated therein.

Inquiry, etc., by commission. SECTION 18. The commission shall have authority to inquire into the management of the business of all railroads, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any railroad all necessary information to enable the commission to perform the duties and carry out the objects for which it was created.

a. The commission shall cause to be prepared suitable blanks for the purposes designated in this act, which shall conform as nearly as practicable to the forms prescribed by the interstate commerce commission, and shall, when necessary, furnish such blanks to each railroad. Any railroad receiving from the commission any such blanks, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the proper officer of said railroad and returned to the commission at its office within the time fixed by the commission.

b. The commission or any commissioner, or any person or persons employed by the commission for that purpose, shall, upon demand, have the right to inspect the books and papers of any railroad and to examine under oath any officer, agent or employe of such railroad in relation to its business and affairs; provided, that any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection under the hand of the commissioner, or of the secretary, and under the seal of said commission.

c. The commission may require, by order or subpoena, to be served on any railroad, in the same manner that a summons is served in a civil action in the circuit court, the production within this state, at such time and place as it may designate, of any books, papers or accounts kept by said railroad in any office or place without the state of Wisconsin, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction. Any railroad failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the state treasury a sum of not less than one hundred dollars nor more than one thousand dollars.

Contracts, etc., filed. SECTION 19. Every railroad whenever required by the commission shall, within a time to be fixed by

the commission, deliver to the commission for its use copies of all contracts which relate to the transportation of persons or property, or any service in connection therewith, made or entered into by it with any other railroad company, car company, equipment company, express or other transportation company, or any shipper or shippers, or other person or persons doing business with it.

a. Every railroad shall, on the first Monday in February in each year, and oftener if required by the commission, file with the commission a verified list of all railroad tickets, passes and mileage books issued free or for other than actual *bona fide* money consideration at full established rates during the preceding year, together with the names of the recipients thereof, the amounts received therefor and the reasons for issuing the same. This provision shall not apply to the sale of tickets at reduced rates open to the public, nor to tickets, passes or mileage books issued to persons not residents of this state, nor to tickets, passes or mileage books issued prior to the passage of this act.

Amounts expended in construction. SECTION 20. The commission shall ascertain, as early as practicable, the amount of money expended in the construction and equipment of every railroad, the amount of money expended to procure the right of way, also the amount of money it would require to secure the right of way, reconstruct the roadbed, track, depots and other facilities for transportation, and to replace all the physical properties belonging to the railroad. It shall ascertain the outstanding bonds, debentures and indebtedness and the amounts respectively thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the railroad, the credits due the railroad, other property on hand belonging to it, the judicial or other sales of said road, its property or franchises, and the amounts purporting to have been paid and in what manner paid therefor. The commission shall also ascertain the gross and net income of the railroad from all sources in detail; the amounts paid for salaries to the officers of the road, and the wages paid to its employes and the maximum hours of continuous service required of each class. Whenever the information required by this section is obtained, it shall be printed in the annual report of the commission. In

making such investigation the commission may avail itself of any information in possession of the state board of assessment.

Interstate Rates. SECTION 21. The commission shall have power, and it is hereby made its duty, to investigate all freight rates on interstate traffic on railroads in this state, and when the same are, in the opinion of the commission, excessive or discriminatory or are levied or laid in violation of the interstate commerce law, or in conflict with the rulings, orders or regulations of the interstate commerce commission, the commission shall present the facts to the railroad, with a request to make such changes as the commission may advise, and if such changes are not made within a reasonable time the commission shall apply by petition to the interstate commerce commission for relief. All freight tariffs issued by any such railroad relating to interstate traffic in this state shall be filed in the office of the commission within thirty days after the passage and publication of this act, and all such tariffs thereafter issued shall be filed with the commission when issued.

Discrimination prohibited. SECTION 22. If any railroad, or any agent or officer thereof, shall directly or indirectly, by any special rate, rebate, drawback, or by means of false billing, false classification, false weighing, or by any other device whatsoever, charge, demand, collect or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered by it for the transportation of persons or property or for any service in connection therewith, than that prescribed in the published tariffs then in force, or established as provided herein, or than it charges, demands, collects or receives from any other person, firm or corporation for a like and contemporaneous service, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful, and upon conviction thereof shall forfeit and pay into the state treasury not less than one hundred dollars nor more than ten thousand dollars for each offense; and any agent or officer so offending shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offense.

a. It shall be unlawful for any railroad to demand, charge, collect or receive from any person, firm or corporation a less compensation for the transportation of property or for any service rendered or to be rendered by said railroad, in consid-

eration of said person, firm or corporation furnishing any part of the facilities incident thereto; provided, nothing herein shall be construed as prohibiting any railroad from renting any facilities incident to transportation and paying a reasonable rental therefor.

Preference prohibited. SECTION 23. If any railroad shall make or give any undue or unreasonable preference or advantage to any particular person, firm or corporation, or shall subject any particular person, firm or corporation to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared unlawful.

Unlawful to accept rebates. SECTION 24. It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation of any property wholly within this state, or for any service in connection therewith, whereby any such property shall, by any device whatsoever, be transported at a less rate than that named in the published tariffs in force as provided herein, or whereby any service or advantage is received other than is therein specified. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars for each offense.

Treble damages. SECTION 25. If any railroad shall do or cause to be done or permit to be done any matter, act or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing required to be done by it, such railroad shall be liable to the person, firm or corporation injured thereby in treble the amount of damages sustained in consequence of such violation; provided, that any recovery as in this section provided shall in no manner affect a recovery by the state of the penalty prescribed for such violation.

Penalty for violations by officers, agents or employes. SECTION 26. Any officer, agent or employe of any railroad who shall fail or wilfully refuse to fill out and return any blanks as required by this act, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or wilfully give a false answer to any such question, or shall evade the answer

to any such question, where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or wilfully refuse to exhibit to the commission or any commissioner, or any person authorized to examine the same, any book, paper or account of such railroad, which is in his possession or under his control, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each such offense; and a penalty of not less than five hundred dollars nor more than one thousand dollars shall be recovered from the railroad for each such offense when such officer, agent or employe acted in obedience to the direction, instruction or request of such railroad or any general officer thereof.

General penalty for violations by railroads. SECTION 27. If any railroad shall violate any provision of this act, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure or refusal, such railroad shall forfeit and pay into the state treasury a sum of not less than one hundred dollars nor more than ten thousand dollars for each offense. In construing and enforcing the provisions of this section, the act, omission or failure of any officer, agent or other person acting for or employed by any railroad, acting within the scope of his employment, shall in every case be deemed to be the act, omission or failure of such railroad.

Emergency rates. SECTION 28. The commission shall have power, when deemed by it necessary to prevent injury to the business or interests of the people or railroads of this state in consequence of interstate rate wars, or in case of any other emergency to be judged of by the commission, to temporarily alter, amend, or, with the consent of the railroad company concerned, suspend any existing passenger rates, freight rates, schedules and orders on any railroad or part of railroad in this state. Such rates so made by the commission shall apply on one or more of the railroads in this state or any portion thereof as may be directed by the commission, and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

Rates not specifically designated. SECTION 29. Whenever, after hearing and investigation as provided by this act, the commission shall find that any charge, regulation or practice affecting the transportation of passengers or property, or any service in connection therewith, not hereinbefore specifically designated, is unreasonable or unjustly discriminatory, it shall have the power to regulate the same as provided in sections 12 and 14 of this act.

Accidents. SECTION 30. Every railroad shall, whenever an accident attended with loss of human life occurs within this state, upon its line of road or on its depot grounds or yards, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith, which investigation shall be held in the locality of the accident, unless, for greater convenience of those concerned, it shall order such investigation to be held at some other place, and said investigation may be adjourned from place to place as may be found necessary and convenient. The commission shall seasonably notify an officer or station agent of the company of the time and place of the investigation. The cost of such investigation shall be certified by the chairman of the commission, and the same shall be audited and paid by the state in the same manner as other expenses are audited and paid.

Inquiry into violations. SECTION 31. The commission shall inquire into any neglect or violation of the laws of this state by any railroad corporation doing business therein, or by the officers, agents or employes thereof, or by any person operating a railroad, and shall have the power, and it shall be its duty, to enforce the provisions of this act as well as all other laws relating to railroads and report all violations thereof to the attorney general; upon request of the commission it shall be the duty of the attorney general or the district attorney of the proper county, to aid in any investigation, hearing or trial had under the provisions of this act, and to institute and prosecute all necessary actions or proceedings for the enforcement of this act and of all other laws of this state relating to railroads and for the punishment of all violations thereof. Any forfeiture or penalty herein provided shall be recovered and suit thereon shall be brought in the name of the state of Wisconsin in the circuit court for Dane county. The commission shall have authority to employ counsel in any proceeding, investigation, hearing or trial.

Investigations of claims. SECTION 32. All claims against any railroad for loss of or damage to property from any cause, or for overcharge upon any shipments, or for any other service, if not acted upon within ninety days from the date of the filing of such claim with the railroad, may be investigated by the commission, in its discretion, and the results of such investigation shall be embodied in a special report which shall be open to public inspection and may be included in the next annual report of the commission.

Technicality not to invalidate. SECTION 33. A substantial compliance with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

Rights of action not waived. SECTION 34. This act shall not have the effect to release or waive any right of action by the state or by any person for any right, penalty or forfeiture which may have arisen or which may hereafter arise under any law of this state; and all penalties and forfeitures accruing under this act shall be cumulative and a suit for, and recovery of one, shall not be a bar to the recovery of any other penalty.

Present schedule in force. SECTION 35. Until December 31st, 1905, unless the commission shall otherwise order, after application and hearing as hereinafter provided, it shall be unlawful for any railroad within this state to demand, collect, or receive a greater compensation for the transportation of property between points in this state than the charge fixed in the lowest published schedule of rates for the same service between the same points, in force on the 1st day of April, 1905. Every railroad in this state shall, within thirty days after the passage and publication of this act, file in the office of the commission copies of all schedules of rates, including joint rates in force on its line or lines, between points within this state, on the 1st day of April, 1905, and all rates in force between such points at any time subsequent to said date. Any railroad desiring to advance or discontinue any such rate or rates may make application to the commission in writing, stating the advance in or discontinuation of the rate or rates desired, giving the reasons for such advance or discontinuation. Upon receiving such application, the commission shall fix a time and place for hearing,

and give such notice to interested parties as it shall deem proper and reasonable. If, after such hearing and investigation, the commission shall find that the change or discontinuation applied for is reasonable, fair and just, it shall grant the application either in whole or in part. Any railroad being dissatisfied with any order of the commission made under the provisions of this section may commence an action against it in the circuit court in the manner provided in section 16 of this act, which action shall be tried and determined in the same manner as is provided in said section.

Office of railroad commissioner abolished. SECTION 36. All powers, duties and privileges imposed and conferred upon the railroad commissioner of this state under existing laws are hereby imposed and conferred upon the commission created under the provisions of this act; provided, that the power and duties conferred and imposed upon the railroad commissioner by chapter 431 of the laws of 1903, and sections 1795a, 1796 and 1797 of the statutes of 1898 shall continue to be exercised by him until the first Monday in January, 1907. The present railroad commissioner, whose term commenced on the first Monday in January, 1905, shall continue in office until the first Monday in January, 1907, at his present salary, on which date the office is hereby abolished.

Inconsistent laws repealed. SECTION 37. So much of section 128 of the statutes of 1898 as provides for the election of a railroad commissioner, also sections 1793 and 1803 of said statutes, and all other acts and parts of acts conflicting with the provisions of this act are hereby repealed in so far as they are inconsistent herewith.

Appropriation. SECTION 38. A sum sufficient to carry out the provisions of this act is hereby appropriated out of any money in the state treasury not otherwise appropriated.

SECTION 39. This act shall take effect and be in force from and after its passage and publication.

Approved June 13th, 1905.

No. 132, A.] [Published June 16, 1905.

CHAPTER 363.

AN ACT in relation to the civil service of the state of Wisconsin and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms defined. SECTION 1. When used in this act:

1. The term "commission" signifies the state civil service commission.

2. The term "civil service" signifies all offices and positions of trust or employment, including mechanics, artisans and laborers, in the service of the state, except offices and positions in the militia.

3. The term "appointing officer" signifies the officer, commission, board or body, having the power of appointment, or election to, or removal from, subordinate positions in any office, department, commission, board or institution.

4. The terms "subordinate" and "employee" signify any person holding a subordinate position subject to appointment, removal, promotion or reduction, by an appointing officer.

Appointment to civil service, how made. SECTION 2. After the passage of this act, appointments to, and promotions in the civil service of this state shall be made only according to merit and fitness, to be ascertained as far as practicable by examinations, which so far as practicable, shall be competitive. After the expiration of six months from the passage of this act, no person shall be appointed, transferred, removed, reinstated, promoted or reduced as an officer, clerk, employee or laborer in the civil service under the government of this state, in any manner, or by any means, other than those prescribed in this act.

Commissioners; appointment, term, compensation, oath; disqualified from holding other office. SECTION 3. As soon as this act shall go into effect the governor shall, by and with the advice and consent of the senate, appoint three persons to serve, one for six years, one for four years, and one for two years, as civil service commissioners, and the said three commissioners shall constitute the civil service commission of this state. Every

alternate year thereafter, the governor, with the consent of the senate, shall appoint one person as the successor of the commissioner whose term shall expire, to serve for the term of six years from the date of the appointment, and until a successor is appointed and qualified. The governor may remove any commissioner at any time for inefficiency, neglect of duty, or malfeasance in office. At no time shall more than two commissioners be adherents of the same political party. Any vacancy in such commission shall be filled by appointment by the governor, subject to confirmation by the senate, but any appointment shall be in full force until acted upon by the senate. The commissioners shall hold no other lucrative administrative office under the United States or the state of Wisconsin. Each commissioner shall be paid ten ($10.00) dollars per diem for the time actually and necessarily devoted to his official duties not exceeding one hundred days each year, and his necessary expenses incurred in the discharge of his official duties. Each commissioner shall qualify by filing with the secretary of state an oath to perform faithfully the duties of his office.

President of commission, chief examiner and secretary, stenographer and other employees; salaries; local examiner. SECTION 4. The civil service commission may elect one of its members president, and may employ a chief examiner, who shall be ex-officio secretary, at a salary of $2,500 per year, a stenographer at $720 per year, and may employ such additional clerks or examiners as may be necessary at an expense not to exceed $2,000 per year. Said employes shall be paid necessary expenses actually incurred in the discharge of their official duties. The commissioners may designate persons in or out of the official service of the state or of any city or county who shall, if in the service, with the consent of the head of department or office in which such person serves, act as local examiner. Such persons in the official service in the performance of such duties as the commission shall direct, shall be under the direct and sole control of the commission, and their duties shall be considered part of the duties of the office in which they are serving, and time shall be allowed therefor during office hours and no extra compensation shall be paid such officers for such service.

Office accommodations, supplies, etc; appropriation. SECTION 5. The commission shall be provided with suitable office accommodations in the capitol building at Madison, and it shall be the duty of the officials having control of municipal and

county buildings to furnish convenient offices and rooms for examinations, and necessary furniture, heat and light, for the accommodation of local examiners and registrars upon requisition by the commission. The commission shall be furnished by the state superintendent of public property with stationery, printing, supplies, postage and an official seal, and other articles which it may require. All salaries, expenses and disbursements of the commissioners and their subordinates and employees, shall be paid out of the state treasury, as the salaries and expenses of other state offices are paid, and a sum sufficient to carry out the provisions of this act, not exceeding the sum of ten thousand dollars per annum, is hereby appropriated.

Appointments. SECTION 6. It shall be the duty of all officers of this state to conform to and to comply with and to aid in all proper ways in carrying into effect the provisions of this act and the rules and regulations prescribed thereunder and any modification thereof. No appointing officer shall, after six months from the date of the passage of this act, select or appoint any person for appointment, employment, promotion or reinstatement, except in accordance with the provisions of this act and the rules and regulations prescribed thereunder. Any person employed or appointed contrary to the provisions of this act or of the rules and regulations established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint him, the compensation agreed upon for any service performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have a cause of action against such officer or officers, or any of them, for such sum or sums and for the costs of the action. No public officer shall be reimbursed by the state for any sums so paid or recovered in any such action.

Duties of commission; biennial report. SECTION 7. The civil service commission shall:

First. Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prescribed shall be subject to the approval of the governor, and they may from time to time, subject to like approval, be added to, amended or rescinded, provided however, that if the governor takes no action on a rule or amendment submitted to him

within a period of ten days from the date of its submission, then the rule or amendment shall become effective as though approved by the governor.

Second. Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office received by the said commission, or by any appointing officer, shall be kept and preserved by the commission, and all such records, recommendations of former employers excepted, and all written causes of removal and answers thereto filed with it, shall, subject to reasonable regulations, be open to public inspection.

Third. Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed thereunder concerning the action of any examiner or subordinate of the commission and any person in the public service, in respect to the execution of the act, and in the course of such investigations, each commissioner and the secretary and the chief examiner shall have the power to administer oaths and affirmations, and to take testimony.

Fourth. Have power to subpoena and require the attendance in this state of witnesses and the producion thereby of books and papers pertinent to the investigation and inquiries hereby authorized, and to examine them and such public records as it shall require in relation to any matter which it has authority to investigate. In the discretion of the commission, fees may be allowed to witnesses, and on their certificate, duly audited, shall be paid by the state treasurer, for attendance and travelling as provided in section 4067 of the statutes of 1898. All officers in the civil service, and their deputies, clerks, subordinates and employees, shall attend and testify when requested to do so by said commission. Any disobedience thereto, or neglect of any subpoena issued by the said commissioners, or any one of them, or their secretary or chief examiner, to any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, shall be held a contempt of court, and it shall be the duty of the circuit court of any county, or of the judge thereof, on application of the commission, or any commissioner, to compel the obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

Fifth. Make a biennial report to the governor on or before the first day of December in each even numbered year, showing

its own actions, the rules and regulations and all the exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. It shall also give the names and separate compensation of all persons employed by the commission during the preceding year and the purposes of such employment. Such report shall be immediately printed for public distribution, and shall be transmitted to the legislature when next convened.

Classification of service. SECTION 8. The civil service shall be divided into the unclassifid service and the classified service. The unclassified service shall comprise: All officers elected by the people. All officers and employees appointed by the governor whether subject to confirmation or not. All officers and employees in any department for the creation of which a vote of two thirds of all the members elected to each house is required. All presidents, deans, principals, professors, instructors, scientific staff and other teachers in the university, normal or public schools, the library staff in any library maintained wholly or in part at state expense, the superintendent, warden or other head of the state reformatory, charitable and penal institutions. All persons appointed by name in any statute. All legislative officers. The classified service shall comprise all positions not included in the unclassified service.

Commission to make rules and regulations; appointments to be for probationery period; examination of present incumbents. SECTION 9. Within six months after the passage of this act and the appointment of the civil service commissioners as herein provided, the commission shall put into effect rules for the classification of the officers, places and employments now or hereafter created in the classified service of this state. Within the same time the commission shall also make rules and regulations providing for examinations for positions in the classified service of the state, appointments to, removals from, and promotions and reductions therein, and for such other matters as are necessary to carry out the purposes of this act. Due notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season to appointing officers affected thereby, and said rules, regulations and modifications shall also be printed for public distribution. All original appointments to the competitive and non-competitive classes and the labor class of the classified service shall be for a pro-

bationary period of one, two or three months in the discretion of the appointing officer, but dismissal for cause may be made during such period. If at the close of this probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment. The commission shall require of all officers or employees at present in the civil service falling within the provisions of this law, as well as of all persons appointed after the passage of this act and before the rules shall take effect, except officers or employees of the several state reformatory, charitable and penal institutions, a non-competitive examination as a condition of continuing in the service longer than six months after the adoption of the rules provided for in this section. Reasonable notice of examinations shall be given to such officers and employees.

Character of examinations; to whom open; distribution of appointments. SECTION 10. All examinations for positions in the classified service shall be practical in character, and shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them, giving due allowance for experience in the same or similar positions. The competitive examinations shall be free and open to all applicants who are citizens of the United States and of the state of Wisconsin and who have fulfilled the preliminary requirements stated in section 11 of this act, and shall be held at such times, and places as shall, in the judgment of the commission, most nearly meet the convenience of applicants and the needs of the service. Examinations of a technical or special character, or where requirements are peculiarly within the knowledge of the office, institution or department in which appointment is to be made, shall be proposed by the incumbent of such office or head of such institution or department, or by persons having knowledge and experience in the same or similar employments. It is the declared policy of the state that under the operation of this act there shall be fair distribution throughout the state of persons accepted for the classified service, and to that end examinations shall be held simultaneously at a convenient point in each of the assembly districts in the state, and in the case of assembly districts embracing more than one county, at each of the county seats therein.

Application for admission to examination; what persons may be barred; positions in mechanical trades; when bond may be required. SECTION 11. The civil service commission shall require persons applying for admission to any examination provided for under this act, or under the rules and regulations of the said commission, to file in its office a reasonable time prior to the proposed examination a formal application, in which the applicant shall state under oath or affirmation:

1. His full name, residence and post office address.
2. His nationality, age, and the place and date of his birth.
3. His health and his physical capacity for public service.
4. His business and employments and residences for at least the five previous years.
5. Such other information as may reasonably be required touching the applicant's merit and fitness for the public service.

Blank forms for such applications shall be furnished by the commission without charge to all persons requesting the same. The commission may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant as the good of the service may require. The commission may refuse to examine the applicant, or after examination to certify an eligible, who is found to lack any of the preliminary requirements established by the commission for the examination for the position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating liquors to excess, or has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment, or refuses to furnish testimony as required in section 7 of this act. Applicants for positions in the recognized mechanical trades must have had practical experience for such periods as the commission may prescribe. Whenever the said commission refuses to examine an applicant or after an examination to certify an eligible, as provided in this section, then said commission, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause of such refusal to examine or to certify as the case may be. When any position to be filled involves fiduciary responsibility, the appointing officer, where otherwise

permitted by law, may require the appointee to furnish bond or other security, and shall notify the commission of the amount and other details thereof; provided, however, that any surety company, the bonds of which are accepted by a judge of any court of record in this state, shall be a sufficient security on any such bond.

Classified service to be arranged in five classes. SECTION 12. The offices, positions and employments in the classified service of the state shall be arranged by the civil service commission in five classes to be designated as the exempt class, the competitive class, the non-competitive class, the labor class and legislative employees.

Classification of service in state reformatory, charitable and penal institutions; appointments, removals, etc. SECTION 13. The superintendents or heads of the several state reformatory, charitable and penal institutions shall, within thirty days, arrange all positions connected with their respective institutions, into classified lists, conforming as near as may be to the spirit and purpose of this act, and such classifications, when approved by the state board of control, shall be adopted by the commission as the classifications in such respective institutions, and adequate eligible lists shall be made up and so far as possible at all times kept by the commission from which appointments shall be made in such institutions. But the provisions of this act with reference to removals, suspensions, discharges, reductions in pay or position, transfers and reinstatements shall not be applicable in such cases, except that they shall be made for just cause, which shall be neither religious nor political. In such institutions emergency appointments and appointments when no suitable person is on an eligible list may be made otherwise than from such list. And such persons when so appointed shall have the same rights as though taken from an eligible list, except that they may be subjected to such test as to merit and fitness as shall be prescribed by the commission.

Positions included in exempt class; appointments to. SECTION 14. The following positions shall be included in the exempt class:

1. One deputy or assistant of each principal executive officer and the chief clerk or secretary of any board or commission.

2. One stenographer for each appointing officer, board or commission.

3. The clerks and other assistants and employees of the supreme court.

4. In addition to the above there may be included in the exempt class all other offices or positions, except laborers, for the filling of which competitive or non-competitive examinations shall be found by the civil service commission to be impracticable on account of the temporary character of the employment or for special reasons satisfactory to the commission. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules, and the reasons for such exemptions shall be stated separately in the reports of the said commission. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically mentioned in the rules. No office or position shall be classified by the commission in the exempt class except after public hearing by the commission or any member or the chief examiner thereof. Suitable public notice of such hearings shall be given by the said commission. At any such hearing any taxpayer of this state shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the exempt class may be made without examination.

Positions included in competitive class; appointments to; term of eligibility. SECTION 15. The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments now existing or hereafter created, of whatever functions, designations or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class, or the labor class. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of this act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section 16 of this act. The term of eligibility of an applicant shall be fixed for each list by the civil service commission at not less than one nor more than three years. Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which ap

pointment may be made. No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, or assigned to perform the duties of, any position subject to a competitive examination, unless he shall have previously passed an open competitive examination equivalent to that required for such position.

Notice of vacancies; appointments to be made from three highest on eligible list. SECTION 16. Notice shall be given in writing by the appointing officer to the civil service commission of the existence of any vacancy or vacancies in any office or employment in the competitive class under the provisions of this act, and within ten days after the receipt of such notice the commission shall certify from the register of eligibles appropriate for the group in which the position to be filled is classified, the three names at the head thereof which have not been certified three times to the department or office in which the vacancy exists. Whenever eligibles are certified, they must always be those candidates who have been graded highest in an examination held in pursuance of this act and the rules made in accordance therewith, except that where practicable, other conditions being equal, the rules shall provide for a preference in favor of veterans of the late civil war. In every case after a name has been certified three times, it may be dropped from the list by the commission, but certificates for temporary appointment shall not be counted as one of such certifications. It shall be the duty of the appointing officer to appoint on probation with due reference to merit and fitness one of the said candidates whose name shall have been certified in the manner above set forth to fill such vacancy then existing in the office or employment aforesaid; unless objection shall be made and sustained by the commission to one or more of the persons certified for any of the reasons stated in section 11 of this act; provided, however, that the provisions of this section may be altered by the commission when the office of employment comes within those where by section 17 of this act competitive examinations are not required. The commission shall make rules for the procedure in such cases.

When positions in competitive class may be filled without competition. SECTION 17. Positions in the competitive class may be filled without competition only as follows:

1. Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and the commission is un-

able to certify to the appointing officer upon requisition by th latter a list of persons eligible for appointment after a compet tive examination, the appointing officer may nominate a perso to the commission for non-competitive examination, and if suc nominee shall be certified by the said commission as qualifie after such non-competitive examination, he may be appointe provisionally to fill such vacancy until a selection and appoint ment can be made after competitive examination, but such pro visional appointment shall not continue for a longer period tha two months, nor shall successive temporary appointments b made to the same position under this provision. In case of a emergency an appointment may be made without regard to th rules of this statute, but in no case to continue longer than te days, and in no case shall successive emergency appointments b made.

2. In case of vacancy in a position in the competitive clas where peculiar and exceptional qualifications of a scientific, pro fessional, or educational character are required, and upon satis factory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the commission may suspend the provisions of the statute requiring competition in such case, but no suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the annual report of the commission with the reasons for the same.

3. Where the services to be rendered by an appointee are for a temporary period not to exceed one month, and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the proper lis of those eligible for the permanent appointment without regar to his standing on such list. Successive temporary appointmen to the same position shall not be made under this provisio The acceptance or refusal by an eligible of a temporary appoin ment shall not affect his standing on the register for permane employment, nor shall the period of temporary service b counted as a part of the probationary service in case of subs quent appointment to a permanent position.

Filling vacancies in and making promotions to positions i competitive class. SECTION 18. Vacancies in positions in t competitive class shall be filled, so far as practicable, by pro tions from among persons holding positions in a lower grad

the department, office, or institution in which the vacancy exists, under rules and regulations made and enforced by the civil service commission. Promotions shall be based upon merit and fitness to be ascertained by examinations to be provided by the commission and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. The commission may prescribe forms and rules for reports to be made by the proper officer on the efficiency of their subordinates and employees. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules in force hereunder, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion. No promotion shall be made to a position in the competitive class from a position in another class, except that persons holding positions in the labor class may be promoted to positions in the lowest grade of the competitive class upon examination as provided above, when such examination is specifically authorized by the commission. No person shall be promoted to a position for original entrance to which there is required by this act or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to the positions held by such persons, except as provided above.

Transfers and reinstatements. SECTION 19. No transfer or reinstatement shall be made for a position in one class to a position in another class unless the same be specifically authorized by the civil service commission. Section 18 and the rules adopted thereunder shall be read with this section and the rules adopted hereunder, and where the transfer involves a promotion the requirements of the promotion rule and regulation shall be observed. No transfer shall be authorized by the civil service commission of any person holding a position in the exempt class or in the non-competitive class or the labor class, to a position in the competitive class unless the person seeking to be transferred shall have served at least three years in the position from which he desires transfer, and unless the position to which he desires transfer is similar in the duties to be performed to the position from which he desires transfer. No such transfer shall be authorized unless the person so wishing to be transferred has attained a place upon the appropriate eligible in force at the time the request for the transfer is made. Any person who has held a posi-

tion by appointment under the civil service rules and who has been separated from the service without any delinquency or misconduct on his part but owing to reasons of economy or otherwise, may be reinstated within one year from the date of such separation to the same or similar position in the same department, provided, that for the original entrance to the position proposed to be filled by such reinstatement there is not required in the opinion of the civil service commission examination involving essential tests or qualifications different from or higher than those involved in the examination for the original entrance to the position formerly held by the person proposed to be reinstated.

Positions in non-competitive class; appointments to. SECTION 20. The non-competitive class shall include such positions as are not in the exempt class or the labor class, and which it is impracticable to include in the competitive class. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the rules of the commission. The commission shall state in its annual report the number of persons who come within this class, and the character of their services.

Labor class. SECTION 21. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the civil service commission according to rules and regulations determined by said commission except in cases of temporary employment. There may be separate lists of applicants for different kinds of labor or employments and the commission may establish separate labor lists for various localities, institutions and departments. Where the labor service of any institution or department extends to separate localities the commission may provide separate registration lists for each district or locality. The commission shall require an applicant for registration for the labor service before he can be registered to furnish such evidence or to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the employment for which he applies.

Removals. SECTION 22. No subordinate or employee in the competitive class, non-competitive class, or the labor class of the civil service of the state, who shall have been appointed under the provisions of this act or the rules made pursuant thereto,

shall be removed, suspended for more than fifteen days, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. In all cases of removal the appointing officer shall, at the time of such action, furnish to the subordinate his reasons for the same and allow him a reasonable time in which to make an explanation. The reasons for removal and the answer thereto shall be filed in writing with the commission.

Appointments to classified service; roster of appointees. SECTION 23. No person shall be appointed to or employed in any position in the classified service for which rules have been prescribed pursuant to the provisions of this act, until he has passed an examination or is shown to be specially exempted from such examination in conformity with the provisions of this act and of the rules made pursuant thereto. It shall be the duty of each appointing officer of this state to report to the civil service commission forthwith in writing upon such appointment or employment, the name of such appointee, or employee, the title and character of his office or employment, whether on probation or absolute appointment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and to report from time to time, and, upon the date of the official action, in, or knowledge of each case, any separation of a person from the service or any promotion, reduction, transfer, reinstatement, or other change therein, and such other information as the civil service commission may require in order to keep the roster hereinafter mentioned. The civil service commission shall keep in its office an official roster of the classified civil service of this state and shall enter thereon the name of each and every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, employed, promoted, reduced, or reinstated in the service in conformity with the provisions of this act and the rules adopted pursuant thereto. This roster shall be open to public inspection at all reasonable hours. This roster shall show in connection with each name the date of appointment, employment, promotion, reduction or reinstatement, the compensation of the position, the title of the position, and the nature of the duties thereof, and the date and cause of any termination of such office or employment. The commission shall have access to all public records and papers, the examination of which will aid in the discharge of its duty in connection with said roster.

Pay rolls to be certified by civil service commission. SECTION 24. It shall be unlawful for the secretary of state, or other fiscal officer of this state to draw, sign, or issue, or to authorize the drawing, signing or issuing, of any warrant on the treasurer or other disbursing officer of the state, or for the treasurer or other disbursing officer of the state to pay any salary or compensation to any officer, clerk, employee, or other person in the classified service of the state, unless an estimate, payroll or account for such salary or compensation containing the names of every person to be paid, shall bear the certificate of the civil service commission that the persons named in such estimate, payroll, or account have been appointed, employed, reinstated or promoted in pursuance of this act. Any officer, clerk, employee, or other person entitled to be certified by said commission to the secretary of state or other fiscal or disbursing officer of the state, as having been appointed or employed in pursuance of law and of the rules made in pursuance of law, and refused such certificate, may maintain a proceeding by mandamus to compel such commission to issue such certificate. Any sums paid contrary to the provision of this section may be recovered from any officer or officers making such appointments in contravention of the provisions of law or of the rules made in pursuance of law or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same or from the sureties on the official bond of any of said officers, in an action in the circuit court of any county within the state, maintained by the civil service commission or of any member thereof, or by a citizen resident therein, who is assessed for, and liable to pay, or within one year before the commencement of the action has paid, a state, city, or county tax within this state. All moneys recovered in any action brought under this section must, when collected be paid into the treasury of the state or of the proper city or county thereof, except that such citizen being plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action and five per cent of the amount recovered as attorney's fees.

Recommendations. SECTION 25. No recommendation for any person who shall apply for office or place, or for examination or registration under the provisions of this act, or of the rules established pursuant thereto, except as to character, and, in the case of former employers, as to ability, shall be given to, or considered by any person concerned in making any examination, registration, appointment, promotion, or reinstatement un-

der this act, and the rules made pursuant thereto. No recommendation whatsoever shall relate to the political or religious opinions of any applicant. No recommendation for the promotion of any person in the classified service shall be considered by any officer concerned in making promotions except it be made by the officer or officers under whose supervision or control such employee is serving. Any recommendations made contrary to the provisions of this section with the knowledge and consent of the applicant or employee shall be sufficient cause for refusing his application or appointment, or for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service.

Political or religious affiliations not to be considered. SECTION 26. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened, or promised, by any person in the civil service against or in favor of any applicant, eligible, or employee in the classified service because of his political or religious opinions or affiliations.

Falsely marking examination papers, etc. SECTION 27. Any commissioner, or examiner, or any other person who shall willfully by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination or registration, according to this act, or to any rules or regulations prescribed pursuant thereto, or who shall willfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in so doing, or who shall willfully or corruptly make any false representations concerning the same, or concerning the person examined, or who shall willfully or corruptly furnish any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any persons so examined, registered or certified, being appointed, employed or promoted, or who shall personate any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination, or registration or application or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor.

Solicitation of subscriptions, etc., by government officers and employees prohibited. SECTION 28. No officer, agent, clerk or employee under the government of the state shall, directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk or employee of the state. Every said officer, agent, clerk or employee who may have charge or control in any building office, or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same for the purpose of therein making, collecting, receiving or giving notice, of any political assessment, subscription or contribution, and no person shall enter, or remain in any said office, building, or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution. Any person who shall be guilty of violating any provision of this section shall be guilty of a misdemeanor.

Influencing voter by promising appointment prohibited. SECTION 29. Whoever, while holding any public office, or in nomination for, or while seeking a nomination or appointment for, any public office, shall use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment or public contract or any nomination, confirmation, promotion, or increase in salary, upon a consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery, or an attempt at bribery as the case may be. And whoever, being a public officer or having or claiming to have, authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal, increase or decrease of salary, or position of any public officer, shall use, or promise or threaten to use, any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any citizen, or the removal, discharge or pro-

motion of any officer or public employee, or upon any other corrupt consideration, shall also be guilty of bribery or of an attempt at bribery as the case may be. Every person found guilty of such bribery or of an attempt to commit the same as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars nor more than three thousand dollars, or to be imprisoned not less than ten days nor more than two years, or to both said fine and imprisonment in the discretion of the court. The phrase "public officer" shall be held to include all public officials in this state, whether paid directly or indirectly from the public treasury of the state, or by fees or otherwise, and the phrase "public employee" shall be held to include every person not being an officer who is paid from said treasury of the state.

Appointments in violation of this act to constitute a misdemeanor. SECTION 30. Whoever, after a rule has been duly established and published, according to the provisions of this act, makes an appointment to office or selects a person for employment contrary to the provisions of such rule, or willfully refuses or neglects otherwise to comply with, or to conform to, the provisions of this act, or violates any of such provisions shall be deemed guilty of a misdemeanor. If any person shall be convicted under this section, any public office which such person may hold shall by force of such conviction be rendered vacant, and such person shall be incapable of holding office for the period of five years from the date of such conviction.

Punishment of misdemeanors under this act. SECTION 31. Misdemeanors under the provisions of this act shall be punishable by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding two years or by both such fine and imprisonment in the discretion of the court.

Right of tax payer to restrain payment of compensation. SECTION 32. The right of any tax payer to bring any action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of the provisions of this act, shall not be limited or denied by reason of the fact that said office, or place of employment shall have been classified, as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective

only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the times of such payments.

Conflicting laws repealed. SECTION 33. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 34. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 37, A.] [Published June 16, 1905.

CHAPTER 364.

AN ACT authorizing cities of the second, third and fourth class, whether operating under the general or a special charter to perform public work and collect the cost thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When bids may be rejected and work done by city. SECTION 1. Whenever the common council of any city of this state, other than of the first class, whether operating under the general or a special charter, shall, after notice duly given, receive bids for the grading of streets, construction of sewers, laying of pavements, sprinkling and cleaning of streets, or for any other public work or improvement, or for the furnishing of materials therefor, be of the opinion that such bids are fraudulent, collusive or greater in amount than the fair and reasonable value of the work to be done or materials to be furnished, said common council may, by resolution and by the vote of two-thirds of its members, direct and determine that the bids so received shall be rejected and that the work to be done and materials to be furnished shall be performed and furnished by said city directly, and under the direction and supervision of the Board of Public Works or body performing the duties usually devolving upon such board.

Power of common council. SECTION 2. Whenever the common council of any city shall determine to carry on any public

work or construct any improvement under the provisions of this chapter, it shall have the power to purchase and secure all necessary and proper tools and equipment with which to perform the same.

Cost and expense of work, how collected. SECTION 3. The cost and expense of all work done and all materials furnished by any city under this chapter shall be collected in the same manner as if done and furnished by any other person under contract with said city, and the power to levy special assessments to defray such cost and expense shall be the same as is now, or as hereafter may be provided under the charter of any said city: *provided however;**—that the amounts assessed hereunder against any lands or interests specially benefited or otherwise liable therefor shall in no case exceed the amounts which would have been assessed against the same had the lowest bid so received as aforesaid been accepted, and that so much of such cost and expense as shall be in excess of such lowest bid shall be borne by said city at large.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 72, A.] [Published June 16, 1905.

CHAPTER 365.

AN ACT to amend sections 2949 and 3072, of the statutes of 1898, relating to costs in supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Costs allowed. SECTION 1. Section 2949 of the statutes of 1898 is hereby amended so as to read as follows: Section 2949.† *No costs shall be allowed in the supreme court to the prevailing party on any appeal or writ of error in any civil action or pro-*

*Printed in italics in enrolled act.
†Entire section rewritten.

ceeding, excepting the fees of the clerk of the supreme court, twenty-five dollars attorneys' fees, the fees of the clerk below for transmitting and certifying the record, including the sum paid for the minutes of the phonographic reporter when necessarily procured for the purpose of settling the bill of exceptions, and the sum paid for printing, not exceeding seventy-five cents per page for printing cases and briefs, in all not exceeding one hundred and fifty pages. When the judgment of the court below shall be affirmed in part or reversed in part, or affirmed as to some of the parties and reversed as to others, or modified, the costs shall be in the discretion of the court. In all other actions, writs and proceedings therein, excepting criminal actions, costs may be allowed in the discretion of the court not exceeding the amount aforesaid.

Remittitur of new trial ordered; when trial to be had; duty of losing party. SECTION 2. Section 3072 of the statutes of 1898 is hereby amended so as to read as follows: Section 3072. In every case in error or on appeal in which the supreme court shall order a new trial or further proceedings in the court below, the record shall be transmitted to such court and proceeding had thereon within one year from the date of such order in the supreme court, or in default thereof the action shall be dismissed, unless, upon good cause shown, the court shall otherwise order. It shall be the duty of the *losing party* in any action or proceeding when a judgment or order in his favor *in the court below* is reversed by the supreme court on *the appeal of the opposing party* to pay the *clerk's fees* on such reversal, procure the record in said cause to be remitted to the trial court and bring the cause to trial within one year after such reversal, unless the same be continued for cause, and if he fail so to do, *his action* shall be dismissed.

Conflicting laws repealed. SECTION 3. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 75, A.] [Published June 16, 1905.

CHAPTER 366.

AN ACT relating to the place of trial of actions against the state and the state officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Place of trial. SECTION 1. The place of trial of all actions authorized to be brought against the state or any of the state officers in their official capacity shall be Dane county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 268, A.] [Published June 16, 1905.

CHAPTER 367.

AN ACT to appropriate to Edward E. Sater the sum of money herein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose of appropriation. SECTION 1. There is hereby appropriated out of any moneys in the general fund of the state treasury not otherwise appropriated, the sum of five hundred (500) dollars to Edward E. Sater, in full for injuries sustained and received by him November 2nd, 1904, by being thrown and falling, without fault or negligence on his part, while engaged as an electrician in wiring the capitol building and the park surrounding the same, the said injury being caused by the breaking of a certain defective electric light pole.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 241, A.] [Published June 16, 1905.

CHAPTER 368.

AN ACT to appropriate certain sums of money therein named to the several charitable, penal and reformatory institutions of the state for the purpose of defraying the current expenses thereof to the respective dates therein specified.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for current expenses. SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, to the institutions hereinafter named the following sums of money for the current expenses of said institutions, including painting and necessary repairs, to-wit: To the Wisconsin State Hospital for the Insane to July 1, 1907, one hundred fifty thousand dollars; to the Northern Hospital for the Insane to July 1, 1907, one hundred sixty-three thousand dollars; to the Wisconsin School for the Deaf to July 1, 1907, eighty-five thousand dollars; to the Wisconsin School for the Blind to July 1, 1907, sixty thousand dollars; to the Wisconsin Industrial School for Boys to July 1, 1907, one hundred ten thousand dollars; to the Wisconsin State Prison to July 1, 1907, eighty-six thousand dollars; to the State Public School to July 1, 1907, seventy-six thousand dollars; to the Wisconsin Home for Feeble Minded to July 1, 1907, one hundred ten thousand dollars; to the Wisconsin State Reformatory to July 1, 1907, sixty thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 532, A.] [Published June 16, 1905.

CHAPTER 369.

AN ACT to provide for the election of delegates to national conventions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How elected. SECTION 1. There shall be chosen at an election held in each precinct of the state on the first Tuesday of April, in each year in which electors for president and vice president of the United States are to be elected, delegates to the national convention of each party to nominate candidates for president and vice president. Such elections shall be noticed, held and conducted and the results canvassed and returned in the same manner that elections of judges of the supreme and circuit courts are noticed, held and conducted and the results canvassed and returned. The four candidates for delegates-at-large, of each political party, receiving the highest number of votes shall be the delegates-at-large and the four receiving the fifth, sixth, seventh and eighth largest number of votes shall be alternate at-large. The two candidates for delegates, of each political party, in each congressional district receiving the highest number of votes shall be delegates from such district and the two receiving the third and fourth highest number of votes shall be alternates.

Nominations. SECTION 2. Nominations for candidates for delegates shall be made by nomination papers, in the manner provided by law for nomination of candidates to be voted for at a general election.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 783, A.] [Published June 16, 1905.

CHAPTER 370.

AN ACT to amend chapter 93 of the laws of 1899, entitled, "An act to appropriate a certain sum of money therein named for the erection of a suitable monument for ex-governor Nelson Dewey, in this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Erection of monument. SECTION 1. Amend section 1, chapter 93 of the laws of 1899 by striking out the words "at the grave of" and inserting in lieu thereof, the words "*in memory of*" in the fourth line of said section.

Commission created. SECTION 2. Section 2 of chapter 93 of the laws of 1899 is hereby amended so as to read as follows: Section 2. There is also hereby created a commission to supervise the expenditure of the money hereby appropriated, said commission to consist of the governor and *the senator and assemblymen from Grant county.* This commission shall receive no salary but all necessary expenditures to carry out the purpose of the commission shall be taken out of the sum appropriated and all moneys remaining unexpended after the completion and erection of the monument shall be covered back into the treasury.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 399, A.] [Published June 16, 1905.

CHAPTER 371.

AN ACT to provide for suitable dedication for monuments upon the Shiloh battlefield, and to appropriate a sum of money to defray the expense thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for expense of dedication. SECTION 1. The commission appointed under chapter 381 of the laws of 1901, to select monuments and have them placed in proper locations upon Shiloh battlefield, are hereby authorized to provide a suitable dedication of such monuments when completed. To defray the necessary expenses of such dedicatory ceremonies, said commission is hereby empowered to use any unexpended balance of the appropriation made by chapter 381 of the laws of 1901, as amended by chapter 199 of the laws of 1903 for the erection of such monuments, and for such purpose there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of one thousand dollars in addition thereto.

How paid. SECTION 2. The expenses of such dedicatory ceremonies shall be paid upon the presentation of proper vouchers certified by the commission out of the money herein appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 562, A.] [Published June 16, 1905.

CHAPTER 372.

AN ACT to amend section 11 of chapter 488 of the laws of 1889, entitled "An act to establish a system of public parks within the city of Milwaukee and to provide for the purchase, payment and government thereof," and relating to the sale or exchange of park lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How lands may be acquired. SECTION 1. Section 11 of chapter 488 of the laws of 1889 is hereby amended so as to read as follows, to-wit: Section 11. The provisions of chapter 6, of chapter 184, of the laws of 1874, being the charter of the city of Milwaukee, and the several acts amendatory thereof, are hereby so amended and enlarged as to authorize said city through said board of park commissioners, *subject to approval by a majority vote of the common council,* to take and acquire by purchase, or by lease with the privilege to purchase, by agreement with the owner, in addition to, or in place of the lands to be paid for from the proceeds of said bonds, lands and property for the purpose of establishing the parks herein provided. *And all such lands so purchased for park purposes as aforesaid, whether actually dedicated and in use for park purposes or not, may be sold and disposed of by said city of Milwaukee, but the proceeds of all such lands so sold shall be invested in other lands for park purposes to be acquired according to the provisions of this chapter; and said city of Milwaukee shall have power to exchange lands purchased for park purposes, whether actually used for such purpose or not, for other lands to be used for park purposes, when in the judgment of the board of park commissioners and the common council of the city of Milwaukee said exchange would be in the interests of the public.*

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved June 14, 1905.

No. 577, A.] [Published June 16, 1905.

CHAPTER 373.

AN ACT to authorize school districts and boards of education to organize mutual fire and tornado insurance companies for the insurance of public school buildings and their contents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Organization of insurance companies by boards of education and school districts authorized; terms defined. SECTION 1. All boards of education and school districts in the state are hereby empowered to enter into, and organize mutual fire insurance companies for the insurance of public school buildings and their contents, against fire, lightning and tornado, in accordance with the provisions of this chapter. The terms school district, and district, as used in this act shall include all towns which have adopted or shall adopt the township system of school government, and all cities acting under general or special charters, and the term board shall include all boards of education, school district boards, boards of school directors, and other bodies having committed to them by law or by general or special charter, the management and control of public school buildings.

How incorporated; officers. SECTION 2. Any number of such boards and districts, not less than twenty-five, may form themselves into a corporation for the purposes aforesaid, by complying with the following conditions, namely: The representatives of such boards and districts, being first duly authorized to do so by the boards and districts represented, shall sign articles of organization which shall be substantially in the following form. The boards of education and school districts named below, by their duly authorized representatives, do hereby associate for the purpose of forming a mutual fire and tornado insurance corporation for the purpose of insuring public school buildings and their contents against loss and damage by fire, lightning and tornado, under the provisions of chapter .... of the laws of 1905.

The name of such corporation shall be .....

The elective officers of the corporation shall be a president and a board of directors of four members, to be elected at the first

meeting of the signers of the articles of association from their number; two of said directors shall hold their office until the first annual meeting, and two of the directors shall hold their office until the second annual meeting. The president shall hold his office until the first annual meeting of the corporation, and shall thereafter be elected annually, and he shall be ex-officio president of the board of directors, and a member thereof. At each annual meeting two directors shall be elected for two years in the place of those whose terms shall expire at the time of such meeting. The board of directors shall fix the time and place for holding the annual meeting, and shall elect the secretary and treasurer, and such other officers as shall be provided for in the by-laws of the corporation.

In witness whereof we have hereunto affixed our names by our duly authorized representatives, and have caused them to authenticate the same by their signatures respectively.

(Here insert names of boards and districts followed in each case by the signature of the selected representative.)

Certificate of incorporation; first meeting. SECTION 3. Whenever such articles have been subscribed as required above, they shall be filed with the commissioner of insurance, with proof that not less than twenty-five applications for policies of insurance aggregating not less than two hundred fifty thousand dollars have been received, and if such articles shall be found to be in proper form, the commissioner shall issue a certificate to the effect that the association is organized and is authorized to do business. The first meeting of the signers must be held within sixty days after such certificate is issued, and may be held at any convenient place on a call signed by not less than ten of such signers, on not less than ten days' notice by mail to the remaining signers.

Board of directors. SECTION 4. The general management of the business of corporations so organized shall be vested in the board of directors which shall be chosen as provided in the articles of association, and shall have the powers therein enumerated and such other powers as shall be necessary to carry into effect the provisions of this act, and as shall be enumerated in the by-laws, and the said board shall keep a record of all its proceedings in a book kept for that purpose.

By-laws. SECTION 5. Such corporation before it shall issue any policies, shall prepare and adopt by-laws and file the same

with the commissioner of insurance as hereinafter provided, which shall prescribe the duties of its officers, the manner, time and place of electing them, the place and manner of transacting business, the time and manner of giving notice of loss and of adjusting and paying losses, and such other rules and regulations as may be deemed essential or convenient for the management of its affairs. Such by-laws may be adopted at the first meeting of the corporation or at an adjourned meeting, or may, if such meeting shall so determine, be framed and adopted by the board of directors, and such by-laws shall not be annulled, changed, suspended or repealed except in the manner therein set forth, and a copy thereof and of all amendments thereto and changes therein shall be filed by the secretary forthwith after its adoption with the commissioner of insurance.

Policies. SECTION 6. Such corporation may issue policies, signed by its president and secretary, agreeing to pay to the board of education or school district insured, any loss which may be sustained by it by fire, lightning and tornado for a period of not more than five years, not exceeding on any single risk two per cent of the amount of insurance in force or contracted for. Such policies shall contain such conditions as the by-laws shall prescribe, but such corporation shall not make or execute any policy until a blank form for the same shall have been submitted to and approved by the commissioner of insurance; provided that no such company shall be required to use the Wisconsin standard policy. The board of directors may classify property to be insured, according to the risk involved.

Member of corporation entitled to one vote; representation. SECTION 7. Each board of education and school district to which any policy shall be issued, shall be a member of the corporation, and shall be entitled to one vote at all meetings of the corporation, for each one thousand dollars or major fraction thereof of insurance held by it, and shall be represented at all meetings of the corporation by a member of its board selected by it for that purpose. In case no such representative shall be selected, then the clerk or secretary of such board of education or the clerk of the school district, shall act as such representative, if he shall be a member of such board, and if such clerk or secretary shall not be a member of the board, then the president of such board shall act as such representative. Such boards shall have the right to change their representatives at will, and in case of such a change shall notify the secretary of the corporation, specifying

the person, if any, chosen. Any representative of any board or district to which a policy of insurance has been issued, or which has agreed to accept any such policy, shall be eligible to the office of president or director, but on ceasing to be such representative, shall cease to be eligible and shall be deemed to have vacated such office, but shall nevertheless continue to act for ten days, or until his successor in such office shall be selected as provided in the by-laws.

Undertaking; percentage; fee. SECTION 8. Each board of education or school district to which any policy shall be issued, shall, at the time of making and issuing any such policy, give its undertaking in such form as the by-laws shall prescribe to pay its pro rata share of all losses or damages which shall be sustained by the said corporation under any policy of insurance issued by it, and its necessary business expenses, together with all legal costs and charges which shall be incurred in case legal proceedings are commenced against it on account of any such loss, at the time and in the manner provided in the by-laws. Each such undertaking shall be filed with the secretary of the corporation at the time the policy shall be issued and shall remain on file in his office. Each member at the time such insurance is effected shall pay such a percentage of the amount insured as the by-laws shall provide for the class of risk insured, and such a reasonable fee for the policy and survey of the premises and property insured as the by-laws shall determine.

Assessments. SECTION 9. Whenever the amount of any loss so ascertained and adjusted shall exceed the amount of cash in the treasury of the corporation, and its probable receipts for the three succeeding months, the president shall convene the board of directors and they shall make an assessment pro rata on the members of the corporation, according to the amount of insurance held by them respectively and the rate at which the same shall be issued, which assessment shall be sufficient to pay the amount of such loss and of the expenses in connection therewith, and such a sum in addition thereto as the directors shall determine, but no such assessment shall exceed three per cent of the policies in force, and not more than five per cent of such policies shall be levied in assessments during any one year. The assessments thus levied shall be payable not less than ninety days nor more than six months after the same are levied, as the by-laws shall determine. Notice of the assessment shall be given in the manner provided in the by-laws, and the notices so given shall

state the amount of the loss and the probable amount to be derived from such assessment, and such other matters as the by-laws shall provide or the directors shall determine. If any member shall fail to pay its assessment in the manner provided in the by-laws, it shall be liable to the corporation on its undertaking, for the amount of the assessment duly levied, and for interest thereon after due at the rate of one per cent for each month or part of a month which the same shall remain unpaid after due, which may be recovered in any court of competent jurisdiction, with costs as in other cases.

Bonds; commissions. SECTION 10. The corporation may require such bonds from its officers and agents as the by-laws shall provide, and many pay such reasonable commissions as the by-laws shall prescribe, or the board of directors shall determine in case the by-laws are silent.

Vacancies. SECTION 11. Vacancies in any office shall be filled by the board of directors at their first meeting after the secretary shall be notified of or shall ascertain such vacancy. In filling vacancies in the board of directors, a majority of the remaining directors shall have power to act.

Quorum; general office. SECTION 12. At any meeting of the members of the corporation the representatives of members holding ten per cent of the outstanding policies of the corporation shall constitute a quorum, but a less number may adjourn from time to time. The general office of the corporation shall be in the town, city or village in which the secretary shall reside, unless the directors shall otherwise determine.

Withdrawals; liability for losses. SECTION 13. Any member may withdraw from such corporation at any time by giving notice in writing to the secretary of such corporation, and paying all assessments which shall have been duly levied, but it shall, notwithstanding such notice of withdrawal, be liable for its share of all losses sustained by the corporation previous to such withdrawal, and all expenses in connection therewith, whether such losses were ascertained and adjusted prior to the giving of such notice of withdrawal or not, but no member shall be liable on account of any assessment to pay losses incurred before it became a member.

Annual statements. SECTION 14. The secretary of every such corporation shall annually prepare a statement of its con-

dition on the 31st day of December, preceding the annual meeting, which shall contain the number and amount of each policy outstanding and to whom issued, the aggregate of the insurance in force on each class of property insured, the amount of losses paid during the year and to whom, the total number and the amount of the losses paid since the organization of the corporation, the amount of losses sustained and unpaid, and such other matters as the by-laws shall require to be shown therein. The treasurer shall make a detailed statement of the moneys collected by him from the several assessments made, and from all other sources, and also state every item of disbursement, and shall show the condition of the association on the date specified. The reports of both the secretary and the treasurer shall be presented to the annual meeting, and copies shall be filed with the commissioner of insurance not later than the 31st day of January after the date on which they are made.

Authority conferred. SECTION 15. All boards of education, school district boards, boards of school directors, and other bodies having the control and management of public school buildings, in addition to the powers already conferred on them by law, or by the general or special charter under which they are organized, are authorized and empowered to become members of any corporation created under this act.

Conflicting laws repealed. SECTION 16. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 702, A.] [Published June 16, 1905.

CHAPTER 374.

AN ACT relating to legal fences.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legal fence defined. SECTION 1. There is hereby added to the statutes of 1898 a new section to be known as section 1390a, which shall read as follows: Section 1390a. No fence constructed or rebuilt after the passage of this act shall be deemed a legal and sufficient fence unless the same shall be constructed or rebuilt in either of the following manners:

1. A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight inches square; the height to be not less than twenty-six inches, with three barbed wires at the top, the top wire being not less than fifty inches from the ground; the posts to be not more than sixteen feet apart.

2. A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight inches square; the height to be not less than thirty-six inches, with two barbed wires at the top, the top wire being not less than fifty inches from the ground; the posts to be not more than sixteen feet apart.

3. A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed eight inches square; the height to be not less than forty-six inches, with one barbed wire at the top, the top wire being not less than fifty inches from the ground; the posts to be not more than sixteen feet apart.

4. A fence made of strong woven wire, the strands to be not less than No. 12 wire; cross wires or meshes to be not less than No. 16 wire. If cross wires are used they are to be not more than twelve inches apart, and if meshes, they are not to exceed

eight inches square; the height to be not less than fifty inches, with posts not more than twenty feet apart.

5. A fence not less than fifty inches high consisting of boards firmly fastened to posts well set, not more than eight feet apart, the space between the ground and bottom board and each space between the boards to the height of thirty inches being not more than six inches.

6. A fence not less than fifty inches high, consisting of two boards and three barbed wires firmly fastened to posts well set not more than eight feet apart, the bottom board being not more than six inches from the ground and the space between the bottom board and the second board being not more than six inches, and the space between the second board and the first wire being not more than six inches.

7. A fence consisting of a combination of wire and pickets with posts well set not more than sixteen feet apart and connected by three or more wires not less than No. 12, with pickets not less than four feet long woven in or fastened thereto, and set not more than six inches apart.

8. All fences consisting of rails, boards or stone walls or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges, which shall in the judgment of the fence viewers, within whose jurisdiction the same may be, be considered equivalent to either of the fences herein mentioned.

All measurements herein mentioned shall be made at the place of attachment in all cases.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 764, A.] [Published June 16, 1905.

CHAPTER 375.

AN ACT authorizing the appointment of library boards in villages and towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Library boards. SECTION 1. Chapter 41 of the statutes of 1898 is hereby amended by inserting a new section to be known as section 932a. Section 932a. The board of trustees of any village, or the board of any town establishing a library under the provisions of section 931, may elect to have the board of directors of such library consist of three members to be appointed by the president of such village, or the chairman of such town, with the approval of the respective village or town board. Such directors shall be citizens of the village or town in which the library is located, and shall hold their offices for three years from the first day of July in the year of appointment and until their successors are appointed, but upon their first appointment they shall divide themselves at their first meeting by lot into three classes, one holding for one year, one for two years and one for three years, and their terms shall expire accordingly. All vacancies shall be promptly reported to the vilage or town board and be filled by appointment for the unexpired terms. Such boards of directors may make suitable provisions for receiving traveling libraries from the county in which they are located, and from the free library commission. It is furthr provided that the said board of village trustees, or the town board, may transfer the library thus established and the property belonging to it to a board established under sections 931 and 932.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 768, A.] [Published June 16, 1905.

CHAPTER 376.

AN ACT to amend sections 604e and 604q of the statutes of 1898 providing for the support, by the husband when of sufficient ability, of an insane wife when committed to an asylum.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Accounts, rendition and approval of. SECTION 1. Section 604e of the statutes of 1898 is hereby amended so as to read as follows: Section 604e. On the first day of each October the trustees of any county asylum which has been so completed and certified shall certify to the secretary of state the names of all insane persons necessarily cared for and supported by the county in which the asylum is situated, the date when such persons were committed thereto and the number of weeks each of them was cared for during the preceding year, which certificate shall be verified by the affidavits of such trustees and delivered by said secretary to the state board of control; and if such board of control shall approve the same and cause its approval to be endorsed thereon by the president and secretary thereof, the secretary of state shall credit the amount so certified to be due such county on the state tax next due therefrom. No county shall be entitled to such credit or any compensation whatever from the state for the care of any person who has not been duly adjudged to be insane and properly committed as such, nor for the care of any insane person whose support is not properly a public charge. The provisions of sections 1500 and 1505, both inclusive, are hereby made applicable to the support of insane persons, *including the support of an insane wife by her husband.*

Collection of cost of support from estate. SECTION 2. Section 604q of the statutes of 1898 is hereby amended so as to read as follows: Section 604q. The property and estate of any insane person kept in any state or county hospital or county asylum or kept by any county at its charge shall be liable for his support and maintenance and chargeable for the payment thereof, and upon failure of the person having the charge or

custody of such property or estate to pay therefrom for such support and maintenance, the state board of control, the board of trustees of the asylum or the chairman of the board of the county furnishing such support may apply to the proper county judge to compel such payment; such judge shall have the jurisdiction and authority conferred by chapter 63 and shall exercise the same in the manner provided by said chapter, and may enforce obedience to his orders by proceedings as for a contempt. If any order or orders made by such judge requiring such payment shall not be complied with, either such board or chairman may recover in an action against the person having the charge or custody of such property or estate, brought in the circuit court against him in his representative character, the amount directed to be paid by such order or orders, and any judgment so recovered may be satisfied out of such property or estate, and such court may, in its discretion, direct that the costs in said action, if the plaintiff recover, be paid out of such property or estate or by the person having the charge or custody thereof; provided, that the judge may, in his discretion, refuse to render judgment for the plaintiff in any case where a parent, wife or child is dependent on such property or estate for future support, and that the amount to be paid, when ordered by such county judge, shall be a reasonable compensation for such support and maintenance, but in no case to exceed the sum of three dollars per person per week; and any party to any proceeding under this section may appeal to the circuit court from any order or determination of the county judge in such proceeding in the manner and according to the provisions of section 4031. *The husband when of sufficient ability, shall be liable for the support of an insane wife when committed to a state or county hospital or asylum for the insane and the provisions of this section and chapter shall be applicable for the collection of the costs of such support.*

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 42, S.] [Published June 16, 1905.

CHAPTER 377.

AN ACT to amend section 1, chapter 238, laws of 1899, relating to a school of library science and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School of library science; institutes. SECTION 1. Section 1, chapter 238, of the laws of 1899, is hereby amended by striking out the word "summer" and the words "in connection with the summer school of the University of Wisconsin;" also by striking out where the same occur in said section the words "three thousand and five hundred" and inserting in lieu thereof the words "seven thousand," so that said section, as amended, shall read as follows: Section 1. The free library commission is hereby empowered to conduct a * * * school of library science * * * and to hold librarians' institutes in the various parts of the state in order to train librarians of public school and traveling libraries to make wiser and more effective use of the libraries in their charge. The commission is also authorized to accept, arrange and circulate books, traveling libraries and pictures to be loaned to public libraries, traveling library associations, study clubs, farming communities, charitable and penal institutions, and individuals, under such conditions and instructions as shall make them the greatest good to the greatest number. In order to care for such traveling libraries, to bind periodicals for them, to encourage the growth of study clubs in connection with them, to train librarians to be better educators, to aid more efficiently in the proper organization of new libraries, and to aid in building up a better system of popular education for people who have finished their education in the schools, there is hereby annually appropriated to the free library commission in addition to such sums as have been heretofore appropriated, the sum of *seven thousand* dollars, and any balance not expended in any one year may be added to the expenditure for any ensuing year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 531, S.] [Published June 16, 1905.

CHAPTER 378.

AN **ACT to** amend section 943 of the statutes of 1898, as amended by chapter 74 of the laws of 1901 and chapter 312 of the laws of 1903, relating to the issuing of municipal bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not applicable to what bonds. SECTION 1. Section 943 of the statutes of 1898 as amended by chapter 74 of the laws of 1901 as amended by chapter 312 of the laws of 1903 is hereby amended by adding at the end thereof the following: *provided further, that this act shall not apply to the issuing of bonds for the funding or refunding of existing indebtedness or liability under chapter 228 of the laws of 1903, or of chapter 277 of the laws of 1903, or any acts amendatory of either.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 90, S.] [Published June 16, 1905.

CHAPTER 379.

AN ACT to provide for recording notices and affidavits filed with county clerks pursuant to section 1141 of the statutes of 1898 and making such records proof of the facts therein stated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Record of affidavits and notices, when evidence. SECTION 1. A new section is hereby added to the statutes of 1898 to be numbered and read as follows, viz.: Section 1141a. Every county

clerk in this state shall, at the expense of the county, procure a record book and record therein all affidavits and notices hereafter filed in his office by or on behalf of the county treasurer, pursuant to the provisions of section 1141 of the statutes of 1898 and the record of such affidavits and notices shall be received in evidence in all courts and proceedings as proof of the matters therein contained with like effect as such original notices or affidavits.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 14, 1905.

No. 754, A.] [Published June 15, 1905.

CHAPTER 380.

AN ACT to create a permanent tax commission and transferring to such commission the powers and duties of the present commissioner and assistant commissioners of taxation as a state board of assessment or otherwise, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax commission created. SECTION 1. There is hereby created a state board to be designated and known as the tax commission, which board shall succeed and take the place of the present commissioner and assistant commissioners of taxation and the present state boards of assessment composed of said commissioner and assistant commissioners, as hereinafter provided.

How constituted; terms of office. SECTION 2. Said tax commission shall be composed of three commissioners, who shall be appointed by the governor by and with the advice and consent of the senate. The three persons first to compose said board shall be appointed within ten days after the passage and publication of this act and before the adjournment of the present legislature if practicable. Of such three persons one shall be

appointed and designated to serve for a term ending on the first Monday in May, 1909, one for a term ending on the first Monday in May, 1911, and one for a term ending on the first Monday in May, 1913, each of said terms to begin upon the qualification of the person appointed therefor. Upon the expiration of the terms of the three commissioners first to be appointed as aforesaid, each succeeding commissioner shall be appointed and shall hold his office for the term of eight years, except in the case of a vacancy as hereinafter provided, and each commissioner shall hold his office until his successor shall have been appointed and qualified.

Vacancies. SECTION 3. After the appointment of said first three commissioners and except when appointed to fill a vacancy, each commissioner shall be appointed on or before the last Monday in February during the biennial session of the legislature next preceding the commencement of the term for which he shall be appointed. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy shall occur, subject to confirmation by the senate. If such appointment be made when the legislature is not in regular session, the appointee shall hold his office until the first Monday in February in the next biennial session of the legislature, when, if such appointment is not confirmed by the senate, the office shall become vacant, and, on or before the last Monday in the same month, the governor, by and with the advice and consent of the senate, shall appoint a suitable person to fill such vacancy for the remainder of such term.

Qualifications required. SECTION 4. The persons to be appointed as members of such commission shall be such as are known to possess knowledge of the subject of taxation and skill in matters pertaining thereto. So far as practicable they shall be so selected that the board will not be composed wholly of persons who are members of or affiliated with the same political party or organization. No person appointed as such commissioner shall hold any other office under the laws of this state nor any office under the government of the United States or of any other state. Each such commissioner shall devote his entire time to the duties of the office and shall not hold any position of trust or profit, engage in any occupation or business interfering with or inconsistent with his duties, or serve on or under any committee of any political party.

Oath of office; salary. SECTION 5. Each commissioner, within thirty days after notice of his appointment and before entering upon the discharge of the duties of his office, shall take, subscribe and file with the secretary of state the oath of office prescribed by the constitution of this state. Each of said commissioners shall receive an annual salary of five thousand dollars, payable in the same manner that salaries of other state officers are paid.

Organization; quorum; sessions. SECTION 6. The commissioners first appointed under this act, after having duly qualified, shall without delay meet at the capitol in Madison, and shall thereupon organize and elect one of their number as chairman. A majority of said commissioners shall constitute a quorum for the transaction of the business and the performance of the duties of the commission. The said commission shall be in continuous session and open for the transaction of business every day except Sundays and legal holidays; and the sessions of such commission shall stand and be deemed to be adjourned from day to day without formal entry thereof upon its records. The commission may hold sessions or conduct investigations at any place other than the capitol when deemed necessary to facilitate the performance of its duties.

Secretary; clerks; experts and assistants. SECTION 7. Said commission may appoint a secretary at a salary of not more than two thousand dollars per annum, one clerk at a salary of not more than fifteen hundred dollars, one clerk at a salary of not more than twelve hundred dollars and one at a salary of not more than one thousand dollars, one of which clerks shall be a stenographer. The commission may employ such other persons as experts and assistants as may be necessary to perform the duties that may be required of the commission and fix their compensation. The secretary shall keep full and correct minutes of all hearings, transactions, and proceedings of said commission and shall perform such other duties as may be required by the commission. The commission shall have power to make all needful rules, not inconsistent with law, for the orderly and methodical performance of its duties as a board of assessment or otherwise, and for conducting hearings and other proceedings before it.

Office and equipment; traveling expenses. SECTION 8. The commission shall keep its office at the capitol and shall be pro-

vided with suitable rooms, necessary office furniture, supplies, stationery, books, periodicals and maps; and all necessary expenses shall be audited and paid as other state expenses are audited and paid. The commissioners, secretary and clerks, and such experts and assistants as may be employed by the commission shall be entitled to receive from the state their actual necessary expenses while traveling on the business of the commission; such expenditures to be sworn to by the party who incurred the expense and approved by the chairman of the commission or a majority of the members of such commission.

Powers and duties defined. SECTION 9. It shall be the duty of the commission, and it shall have power and authority:

(1) To have and exercise general supervision over the administration of the assessment and tax laws of the state, over assessors, boards of review and supervisors of assessment, and over county boards in the performance of their duties as county boards of assessment, to the end that all assessments of property be made relatively just and equal at true value in substantial compliance with law.

(2) To confer with, advise and direct assessors, boards of review, county boards of assessment and supervisors of assessment as to their duties under the statutes of the state.

(3) To direct proceedings, actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property; and to cause complaints to be made against assessors, members of boards of review, supervisors of assessment, and members of county boards, or other assessing or taxing officers, to the proper circuit judge for their removal from office for official misconduct or neglect of duty.

(4) To require district attorneys to assist in the commencement and prosecution of actions and proceedings for penalties, forfeitures, removals and punishment for violations of the laws of the state in respect to the assessment and taxation of property, in their respective counties.

(5) To require town, city, village, county and other public officers to report information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as may be needful in the work of the commission, in such form and upon such blanks as the commission may prescribe.

(6) To require individuals, partnerships, companies, associations and corporations to furnish information concerning their capital, funded or other debt, current assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable the commission to ascertain the value and the relative burdens borne by all kinds of property in the state.

(7) To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter which the commission shall have authority to investigate or determine.

(8) To cause the deposition of witnesses residing within or without the state or absent therefrom, to be taken, upon notice to the interested party, if any, in like manner that depositions of witnesses are taken in civil actions pending in the circuit court, in any matter which the commission shall have authority to investigate or determine.

(9) To visit the counties in the state, unless prevented by other necessary official duties, for the investigation of the work and the methods adopted by local assessors, boards of review, supervisors of assessment and county boards, in the assessment, equalization and taxation of real and personal property.

(10) To carefully examine into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.

(11) To investigate the tax systems of other states and countries and to formulate and recommend such legislation as may be deemed expedient to prevent evasion of assessment and tax laws and to secure just and equal taxation and improvement in the system of taxation in the state.

(12) To inquire into the system of accounting of public funds in use in towns, cities, villages and counties, and to devise and prescribe a uniform system of accounting of the receipts and disbursements of public funds in the municipalities of the state.

(13) To consult and confer with the governor of the state upon the subject of taxation, the administration of the laws in relation thereto and the progress of the work of the commission, and to furnish the governor from time to time such assistance and information as he may require.

(14) To transmit to the governor and to each member of the legislature, thirty days before the meeting of the legislature,

the report of the commission showing all the taxable property in the state and the value of the same in tabulated form with recommendations for improvement in the system of taxation in the state, together with such measures as may be formulated for the consideration of the legislature.

(15) To exercise and perform such further powers and duties as may be granted to or imposed upon the commission by law.

Witnesses, attendance of. SECTION 10. Oaths to witnesses in any matter under the investigation or consideration of the commission may be administered by the secretary of the commission or by any member thereof. In case any witness shall fail to obey any summons to appear before said commission or shall refuse to testify or answer any material question or to produce records, books, papers or documents when required so to do, such failure or refusal shall be reported to the attorney general, who shall thereupon institute proceedings in the proper circuit court to compel obedience to any summons or order of the commission or to punish witnesses for any such neglect or refusal. Any person who shall testify falsely in any material matter under the consideration of the commission shall be guilty of and punished for perjury. In the discretion of the commission, officers who serve summons or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the circuit court.

Powers transferred. SECTION 11. The said commission, upon the qualification of its members and the organization thereof as hereinbefore provided, shall become successors in office to the present commissioner and assistant commissioners of taxation, and thereupon all the power and authority vested in or conferred upon said last named officers or any of them, and all duties inposed upon them or any of them, by any act or statute then in force or by any act thereafter taking effect, passed at this legislative session, shall devolve upon and thenceforth be exercised and performed by said commission, and the office of commissioner of taxation and of the first and second assistant commissioners of taxation shall cease and terminate.

Further power and authority; duties. SECTION 12. The power and authority and the duties which shall devolve upon and be exercised and performed by said commission as provided in the preceding section, shall extend to and include all those con-

ferred or imposed upon said commissioner and assistant commissioners of taxation as a state board of assessment or taxing board for any purpose by any act or statute which shall be in force at the time of the organization of said commission and termination of said offices of commissioner and assistant commissioners of taxation, or by any act thereafter taking effect passed at this legislative session, and shall include the power and authority of said commissioner and assistant commissioners as a state board for the assessment and taxation of the property of railroad companies under the provisions of chapter 315 of the laws of 1903 and acts amendatory thereof. All proceedings, hearings or other matters then pending before said commissioner and assistant commissioners, as a state board of assessment or otherwise, and all investigations or other official work undertaken by them or any of them and then remaining uncompleted, shall be continued, carried on and completed by and before said commission. All records, books, papers, documents and memoranda and all office equipment, materials and supplies in the official custody or possession of said commissioner and assistant commissioners of taxation, or of any of them, as a state board of assessment or otherwise, upon the termination of their offices as above provided shall be transferred to said commission as their successors in office for all purposes, and said commission shall thereupon and thenceforth have official possession and custody of the same.

Appropriation. SECTION 13. There is hereby annually appropriated out of the general fund in the state treasury a sum sufficient to carry out the provisions of this act.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved June 15, 1905.

No. 784, A.] [Published June 17, 1905.

CHAPTER 381.

AN ACT to amend section 561a of the statutes of 1898 relating to the appointment of members of the Board of Control.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

How constituted; oath. SECTION 1. Section 561a of the statutes of 1898 is hereby amended by inserting after the word "persons" in the second line thereof the words: "one of whom shall be a woman," so that when so amended said section shall read as follows: Section 561a. The governor, by and with the advice and consent of the senate, shall appoint five persons, *one of whom shall be a woman,* no two of whom shall at the time of their appointment be residents of the same congressional district and not all of whom at such time shall belong to the same political party, members of said board. The terms for which such appointments shall be made shall be five years from the date thereof. Appointments to fill vacancies shall be for the unexpired term. Each person who accepts such appointment shall, before entering upon the discharge of his duties, take and subscribe an oath to support the constitution of the United States, the constitution of this state and faithfully discharge his duties as a member of said board to the best of his ability. Such oath shall be filed in the office of the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 119, S.] [Published June 20, 1905.

CHAPTER 382.

AN ACT in relation to powers conferred on corporations, and to amend section 1748 of the statutes of 1898, as amended by chapter 12 of the laws of 1903.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Corporations may mortgage franchises. SECTION 1. Subdivision 7 of section 1748 of the statutes of 1898 as amended by chapter 12 of the laws of 1903, is hereby amended so as to read as follows: 7. To mortgage all or any of the rights, privileges, authority and franchises, special, exclusive or otherwise, which have heretofore been or may hereafter be granted to or conferred upon it by any law of this state, and also its tolls, revenues and property, both real and personal, to secure the payment of its debts, or to borrow money for the purposes of the corporation, and no other, with the consent of *holders of a majority of its stock,* or, if not a stock corporation, a majority of its members, and to establish with a like consent, a sinking fund for the payment of its debts.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 69, S.] [Published June 20, 1905.

CHAPTER 383.

AN ACT to amend section 1 of chapter 251 of the laws of 1899 as amended by chapter 107 of the laws of 1901 and chapter 73 of the laws of 1903, regulating the issuance of warehouse certificates in certain cases.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Certificates, who may issue; contents. SECTION 1. Section 1 of chapter 251 of the laws of 1899, as amended by chapter 107 of the laws of 1901 and chapter 73 of the laws of 1903, is hereby amended by inserting between the words "or" and "engaged" in line eighteen of said section, as amended, the words: manufacturing or dealing in hides, pelts or leather, or, and, further amended by striking out th ewords "flour, bran, middlings, mixed feed," from lines nineteen and twenty in said section as amended, so that said section when so amended shall read as follows: Section 1. All persons, firms *or* corporations owning or dealing in flour, bran, middlings, mixed feed, grain, seeds, or other farm products, or engaged in the business of slaughtering cattle, sheep or hogs and dealing in the various products therefrom, *or manufacturing or dealing in hides, pelts or leather,* or engaged in the business of grinding, canning or pickling any products of the farm, or buying or selling * * * butter, eggs, cheese, dressed poultry or other similar commodities, who own or control the structures wherein any such business is conducted, or such commodities stored, may issue elevator or warehouse certificates or receipts for any such commodities actually on hand and in store, including all receptacles for any of said products and commodities, the property of such person, firm or corporation, and may by the issue of such certificates, sell, assign, encumber or pledge such commodities. Such certificate or receipt shall contain the date of its issue, the name and address of the person, firm or corporation issuing the same, and the name and address of the party to whom issued, the location of the elevator, warehouse or structure wherein the commodity therein described is stored, the quantity of each commodity mentioned therein, and either the grade of the commodity, or the brands or marks of identification thereon, if any,

and shall be signed by the person, firm or corporation issuing the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 65, S.] [Published June 20, 1905.

CHAPTER 384.

AN ACT to provide for tobacco experiments by the Wisconsin Agricultural Experiment Station.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Tobacco experiments authorized. SECTION 1. The University of Wisconsin, through the Wisconsin Agricultural Experiment Station, shall expend a sum not less than fifteen hundred dollars per annum for a period of three years for experimental purposes in breeding, growing, curing, fermenting and handling tobacco.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 58, S.] [Published July 6, 1905.

CHAPTER 385.

AN ACT to amend section 1548 of the statutes of 1898 as amended by chapter 116 of the laws of 1899 and chapter 20 of the laws of 1905, relating to excise and sale of intoxicating liquors near public and parochial school grounds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Saloons near school grounds prohibited. SECTION 1. Section 1548 of the statutes of 1898, as amended by chapter 116 of the laws of 1899 and chapter 20 of the laws of 1905, is hereby amended by inserting before the words "no such license" in the sixth from the last line of said section, the words: From and after June 30th, 1905, anything contained in any city charter to the contrary notwithstanding, and by inserting after the words "any such liquors" at the end of the fifth from the last line of said section, the words: in any building, booth or other place for which a license is not in force on the 30th day of June, 1905, within a distance of three hundred (300) feet of any public or permanently established parochial school grounds, said distance to be measured upon the streets from the boundaries of the school grounds. Whenever after January 1st, 1908, a list of all of the parents and lawful guardians of the children enrolled as pupils of any public school or permanently established parochial school, together with a remonstrance in writing signed and acknowledged before a notary public by a majority of such parents and lawful guardians, is filed with the city, village or town clerk, as the case may be, describing certain premises for which a license had previously been issued within three hundred (300) feet of the grounds of said public or parochial school (the distance to be measured as aforesaid) and demanding that no license be granted for the sale of intoxicating liquors on such premises, no such license shall thereafter be granted to any person for the sale of such liquors on such premises. The foregoing provision shall not apply to drug stores, hotels nor restaurants actually established and maintained as such prior to Feb-

ruary 1st, 1905. It shall be the duty of the city, village or town clerk, as the case may be, to receive, file and record such list and remonstrance. Nor shall any such license be granted for the sale of any such liquors, so that said section when so amended shall read as follows: Section 1548. Each town board, village board and common council may grant license under the conditions and restrictions in this chapter contained, to such *person* as they deem proper to keep groceries, saloons or other places within their respective towns, villages or cities for the sale of strong, spirituous, malt, ardent or intoxicating liquors. The sum to be paid for such license shall (subject to the right to increase the same, as in this chapter provided,) be, in towns having within their boundaries no city or village, incorporated or unincorporated, with a population of five hundred or more, one hundred dollars, and in all cities and villages and other towns, two hundred dollars, except for registered pharmacists as in this chapter provided. The application for any such license shall be in writing, and shall state the kind of license applied for and designate the premises where such liquor shall be sold. All such licenses shall remain in force until the first Tuesday of July next after the granting thereof, unless sooner revoked by the board or council granting the same; they shall be attested by the town, city or village clerk, and shall not be delivered until the applicant shall produce and file with the clerk a receipt showing the payment of the sum required therefor to the proper treasurer, and until the filing with the clerk of the bond provided for in section 1549. All town and village boards and common councils, or the duly authorized committees of such councils, shall meet and be in session on the third Monday of each June, and from day to day thereafter, so long as it may be necessary, for the purpose of acting upon such applications as may be presented to them conformably to this chapter. The population of any city or village shall be ascertained by the last preceding enumeration by the state or general government. *From and after June 30th, 1905, anything contained in any city charter to the contrary notwithstanding,* no such license shall be granted to any person or persons for the sale of any such liquors *in any building, booth or other place for which a license is not in force on the 30th day of June, 1905, within a distance of three hundred (300) feet of any public or permanently established parochial school grounds, said distance to be measured upon the streets from the boundaries of the school grounds. Whenever after January 1st, 1908, a list of all of the parents*

and lawful guardians of the children enrolled as pupils of any public school or permanently established parochial school, together with a remonstrance in writing, signed and acknowledged before a notary public by a majority of such parents and lawful guardians, is filed with the city, village or town clerk, as the case may be, describing certain premises for which a license had previously been issued within three hundred (300) feet of the grounds of said public or parochial school (the distance to be measured as aforesaid) and demanding that no license be granted for the sale of intoxicating liquors on such premises, no such license shall thereafter be granted to any person for the sale of such liquors on such premises. The foregoing provision shall not apply to drug stores, hotels nor restaurants actually established and maintained as such prior to February 1st, 1905. It shall be the duty of the city, village or town clerk, as the case may be, to receive, file and record such list and remonstrance. Nor shall any such license be granted for the sale of any such liquors within a distance of two and one-half miles of the grounds of the Wisconsin Veterans Home in the town of Farmington, county of Waupaca, nor to any person who is the owner or keeper, directly or indirectly, of a house of ill fame or house of prostitution.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 13, S.] [Published June 20, 1905.

CHAPTER 386.

AN ACT to require railroad companies to furnish side track connnections to shippers in this state and to amend section 1802 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Connection with tracks. SECTION 1. Section 1802 of the statutes of 1898 is hereby amended to read as follows: Section 1802.* *The owner of any elevator, warehouse, manufacturing plant or mill, or of any lumber, coal or wood yard located within one-half mile of any railroad or any sidetrack thereof may at his own expense construct a spur track from any such elevator, warehouse, manufacturing plant, mill or yard to a point on the right of way within the terminal or yard limits of any such railroad and the railroad shall connect the same with its tracks within such terminal or yard limits. Such spur track shall at all times be under the control and management of and be kept in repair and operated for such owner or his assigns by such railroad, but the actual cost of so maintaining and operating shall be paid monthly by the owner thereof, and in case of neglect to so pay the same upon demand the obligation of this section upon any such railroad shall cease until such charges are paid. And no such spur track hereafter constructed or which has heretofore been constructed under the provisions of this section shall be removed without first having given the parties owning such elevator, warehouse, manufacturing plant, mill or yard six months' notice, and no removal shall be made except for good cause shown.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

*Entire section rewritten.

No. 774, A.] [Published June 20, 1905.

CHAPTER 387.

AN ACT relating to assessments and tax levies made by the state board of assessment and making appropriation of the moneys collected by such levies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Taxes, how available. SECTION 1. All taxes heretofore collected and paid into the general fund of the state treasury in pursuance of any assessment and levy made by the state board of assessment shall be available for and shall be used for the payment of the general expenses of the state and of the general expenses of the several state institutions, and any appropriation or use heretofore made for such purposes of any tax thus assessed and levied is hereby ratified and confirmed.

Taxes, how to be used. SECTION 2. Any and all taxes hereafter collected in pursuance of any assessment and levy made by the state board of assessment and paid into the general fund of the state treasury, shall be used to pay the general expenses of the state and the general expenses of the several state institutions, and any money in the general fund thus collected is hereby appropriated and made available for such use and purposes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 589, A.] [Published June 20, 1905.

CHAPTER 388.

AN ACT amending chapter 360, laws of 1903, prescribing and limiting the duties and qualifications of city superintendents in all cities except cities of the first class and to provide for their appointment and for the proper supervision of the city schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duties of city superintendent. SECTION 1. Chapter 360, laws of 1903, is hereby amended to read as follows: In all cities *except cities of the first* class, there may be elected annually by the *board of education* or the board of school commissioners a city superintendent of schools whose duties shall be:

1. To examine and license teachers according to the statutes of 1898 and laws amendatory thereto. * * *.

2. To supervise the administration of the courses of study.

3. To have general supervision of the professional work of the schools of the city, including the holding of teachers meetings and the promotion of pupils.

4. From time to time to make a written report to the *board of education or board of school commissioners, as the case may be,* embodying such recommendations relative to the employment of teachers, adoption of text-books, changes in the course of study, *enforcement of* discipline, and such other matters as *said superintendent* may deem for the *best interests and* welfare of the city schools.

5. To make such other reports and to perform such other duties as the *board of education* or board of school commissioners may direct and which are not in conflict with the provisions of this act. *The board of education* or the board of school commissioners shall determine the annual compensation of to be paid said city superintendent of public schools from the school funds of the city.

Qualifications of superintendent. SECTION 2. This act shall apply to all cities except those of the first class in which a city superintendent of schools is elected or appointed by the board

of education or the board of school commissioners, and no city superintendent of schools shall engage in any other profession or occupation or pursuit for such time or in such manner as shall interfere with the proper discharge of his duties as such superintendent during the term for which he is elected or appointed. A violation of any of the provisions of this section shall subject the offender to removal from office, provided that nothing in this act shall be construed to bar any city superintendent of schools from being principal of, or teaching in any school under his supervision, and no person shall be eligible to the office of city superintendent of schools whose legal qualifications are not equivalent to those required for the principalship of a free high school having a course of study requiring four years for its completion.

School board of education, how composed. SECTION 3. The board of education or board of school commissioners in all cities except cities of the first class shall annually choose one of their own number to act as chairman and shall choose a secretary who may or may not be a member of the board. It shall be the duty of said secretary to be present at each board meeting; to keep in full in a book provided for that purpose, the minutes of such meeting and to perform any other clerical duties under the direction of the board at such compensation as the board may fix. It is further provided that said city superintendent of schools shall not be eligible to membership on the school board nor to act or be elected as president or chairman thereof.

Conflicting laws repealed. SECTION 4. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 263, A.] [Published June 20, 1905.

CHAPTER 389.

AN ACT to prohibit discrimination in the charges of telephone rentals in different cities and villages and fixing a penalty for the violation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Discrimination in telephone rentals prohibited. SECTION 1. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 1791a—1. It shall be unlawful for any individual, company, partnership or corporation, owning, controlling or operating telephone exchanges in two or more cities, or villages, in this state to charge any individual, company, partnership or corporation in one city or village, a greater or a lesser rental for exchange telephone service than he or it charges any other individual, company, partnership or corporation residing in any other city or village of the same class, as defined herein, for like telephone exchange service. It shall be unlawful for any individual, company, partnership or corporation, owning, controlling or operating telephone exchanges in cities and villages of different classes, as herein defined, to charge a higher rental for exchange telephone service in any city or village of a lower class than he or it shall charge for a like service in any city or village of a higher class. For the purposes of this section, cities and villages shall be classified as follows, according to the last preceding state or federal census, to-wit:

Cities of the first or highest class, those above 100,000 population.

Cities of the 2nd class, 75,000 to 100,000 population.

Cities of the 3rd class, 50,000 to 75,000 population.

Cities of the 4th class, 40,000 to 50,000 population.

Cities of the 5th class, 30,000 to 40,000 population.

Cities of the 6th class, 25,000 to 30,000 population.

Cities of the 7th class, 20,000 to 25,000 population.

Cities of the 8th class, 15,000 to 20,000 population.

Cities of the 9th class, 10,000 to 15,000 population.

Cities of the 10th class, 7,000 to 10,000 population.

Cities of the 11th class, 5,000 to 7,000 population.

Cities of the 12th class, 3,000 to 5,000 population.

This section shall not apply to telephone exchanges owned, controlled or operated by any individual, company, partnership or corporation in cities or villages having a population of less than three thousand according to the last state or United States census. Any individual, company, partnership or corporation violating or failing to comply with any of the provisions of this act, shall, for each and every such violation or failure, forfeit not less than fifty dollars nor more than five hundred dollars, one-half thereof to belong and be payable to the person prosecuting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 182, A.] [Published June 20, 1905.

CHAPTER 390.

AN ACT to provide a second assistant for the dairy and food commissioner, and additional cheese factory, creamery, dairy and food inspectors, and an assistant chemist, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointees by dairy and food commissioner. SECTION 1. In addition to the officials and appointees provided for by section 1410 of the statutes of 1898, and of chapter 144 of the laws of 1903, the dairy and food commissioner may, with the advice and consent of the governor, appoint a second assistant dairy and food commissioner, an assistant chemist and eight agents or inspectors, whose duties shall be to assist in promoting the work of the dairy and food commissioner in the manner herein provided and in such way as may be required by the dairy and food commissioner in the enforcement of the dairy and food laws. Of the eight agents or inspectors herein provided for, three shall be creamery, dairy and food inspectors, whose duties,

in addition to the general duties hereinbefore provided, shall be to inspect creameries, dairies, foods and drugs, under the direction and supervision of the dairy and food commissioner; four shall be cheese factory, dairy and food inspectors, whose duties, in addition to the general duties hereinbefore provided, shall be to inspect cheese factories, dairies, foods and drugs, under the direction and supervision of the dairy and food commissioner, and one shall be chief food inspector. The second assistant dairy and food commissioner and the creamery, dairy and food inspectors herein provided for, shall be expert creamery butter makers, skilled in the technical work of creameries, competent judges of creamery products, and versed in modern scientific and practical dairy husbandry. The cheese factory, dairy and food inspectors herein provided for shall be expert cheese makers, skilled in the technical work of cheese factories, competent judges of cheese factory products and versed in modern scientific and practical dairy husbandry. The chief food inspector shall be experienced in the modern grocery business. The assistant chemist shall be a competent analytical chemist and shall devote his time exclusively to the work of the commission. The annual salary of the second assistant commissioner shall be sixteen hundred dollars; the annual salary of the assistant chemist, of the creamery, dairy and food inspectors and of the chief food inspector shall be each twelve hundred dollars; the compensation of each of the cheese factory, dairy and food inspectors shall be one hundred dollars per month. The aforesaid salaries and compensation shall be paid in the same manner as is provided by law for the payment of salaries of other state officers and employees. There shall also be paid to the second assistant commissioner and to each of the agents or inspectors and assistant chemist herein provided for, their necessary and actual expenses incurred in the discharge of their official duties, on the approval by the dairy and food commissioner and the governor, of verified and itemized accounts therefor.

Powers conferred. SECTION 2. The officers designated in section 1 of this act shall have all the powers that are conferred by law upon any agent, inspector or assistant of the dairy and food commissioner.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 544, S.]. [Published June 20, 1905.

CHAPTER 391.

AN ACT to amend section 2637 of the statutes of 1898, relating to service of process on telegraph and telephone companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Process, how served. SECTION 1. Section 2637 of the statutes of 1898, is hereby amended by adding at the end thereof a new sub-division, to be numbered 15, and to read as follows: *15. If against a telegraph or telephone company whose general office is within the state, to the president, secretary, superintendent, general manager or general solicitor thereof, if either shall reside and be within the county in which such action is brought; and in case neither of the officers named reside and are in such county, then to any operator or station manager thereof, who shall reside and be within such county.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 543, S.] [Published June 20, 1905.

CHAPTER 392.

AN ACT to add a new section to the statutes of 1898 to be numbered 933a, relating to claims against library boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Claims, how presented and collected. SECTION 1. There is hereby added to the statutes of 1898 a new section to be numbered 933a and to read as follows: Section 933a. Any person

No. 418, S.] [Published June 20, 1905.

CHAPTER 394.

AN ACT to amend section 927 of the statutes of 1898 as amended by section 1 of chapter 169 of the laws of 1903, relating to the powers of villages and cities specially incorporated, and providing for the collection of the cost of the improvements permitted by said section.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of cities and villages to collect cost of improvements. SECTION 1. Section 927 of the statutes of 1898, as amended by section 1 of chapter 169 of the laws of 1903, is hereby amended by adding after the word "city" in the 6th line thereof as printed in the statutes of 1898, the words: whether acting under the general law or under a special charter, and by adding after the word "square" where it occurs in the 9th line of said section, and where it occurs in the 11th line of said section as so printed, the word: park, and by adding at the end of said section the following: and the board of trustees of any such village and the common council of any such city, is hereby authorized and empowered to levy and collect the expense, including all damages and costs incurred for the taking of private property as provided in this section and in said sections 895 to 904 inclusive and the acts amendatory thereof, and the expense of improving the same, either in the manner provided in section 903 of the statutes of 1898, or in the manner provided in sections 925—190 to 925—197a inclusive of the statutes of 1898, for the payment for street improvements, as such board of trustees or common council may determine, so that said section, when so amended, shall read as follows: Section 927. Every village incorporated under special law shall be taken as embraced within the provisions of section 870, and additions to its territory may be made in the manner * * * prescribed, and its board of trustees shall also possess the powers conferred by section 892. The board of trustees of every such village and the common council of every city, *whether acting under the general law or under a special charter*, may exercise all the powers conferred on village boards by section 895 to 904 inclusive. * * * and *may* proceed in the manner therein prescribed to

lay out and open, change, widen or entend any street, lane, alley, public ground, square, *park* or other place, or to construct or open, alter, enlarge or extend any drain, canal or sewer, or alter, widen or straighten any watercourse, or take *any* ground for any street, lane, alley, public ground, square, *park* or other place, or for sewers or drainage purposes, or for the use or improvement of a harbor, as well as by the provisions of their respective charters; and the provisions of the sections aforesaid shall be taken as applicable to such cities and villages, *and the board of trustees of any such village and the common council of any such city is hereby authorized and empowered to levy and collect the expense, including all damages and costs incurred for the taking of private property as provided in this section and in said sections 895 to 904 inclusive and the acts amendatory thereof, either in the manner provided in section 903 of the statutes of 1898, or in the manner provided in sections 925—190 to 925—197a inclusive of the statutes of 1898, for the payment for street improvements, as such board of trustees or the common council may determine.*

Conflicting laws repealed. SECTION 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 127, S.] [Published June 20, 1905.

CHAPTER 395.

AN ACT making further provisions for the Interstate Park of the Dalles of the St. Croix, and appropriating money therefor.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Title to land, authority to acquire; mineral rights. SECTION 1. The governor of the state of Wisconsin is hereby authorized

and empowered to continue the work of acquiring title to the following described lands in Polk county, Wisconsin, for the purposes of said park, the respective parcels containing the number of acres, more or less, set opposite each description thereof, according to the United States government survey thereof and as shown by a map or plan on file in the office of the secretary of state, also in the office of the secretary of said commission at St. Croix Falls, Wisconsin, made by Frank H. Nutter, Esq., Landscape Artist, and entitled "Plat of lands proposed to be taken by the State of Wisconsin for an Interstate Park at the Dalles of the St. Croix," to-wit: In section 31 town 34 north of range 18 west: Part of southeast quarter of northwest quarter, 33 acres; part of northeast quarter of southwest quarter, 5 acres; part of northwest quarter of southwest quarter, 34 acres; part of southwest quarter of southwest quarter, 15 acres. Also southwest quarter of northwest quarter, 41.02 acres. Also lot 1 section 35 town 34 north of range 19 west, 3.08 acres. And in section 36 town and range last aforesaid: lot 3, 45.38 acres; lot 5, 46.5 acres; lot 6, 30.4 acres; also southeast, quarter of northeast quarter, 40 acres; southeast quarter of southwest quarter 40 acres; and the southeast quarter 160 acres. Provided that all mineral rights shall be reserved to and by the owner of the northwest quarter of the northwest quarter of section 31, township 34, range 14, also known as the "Berger Forty" for the term of eight years from January 1st, 1905, and if no minerals shall be found and mined in paying quantities on or in said land within said term, then immediately upon the expiration thereof the title thereto shall vest absolutely in the state of Wisconsin in fee simple absolute, without any reservation whatever, but said reservation shall in no way change the status of the appeal in condemnation proceedings now pending between the state and the owner of said land; provided further, that during the term of said reservation, all prospecting for and mining of minerals, if any, on said land, shall be done with as little damage thereto and to the natural growth and any park improvements thereon as shall be practical and consistent with the reasonable and careful exercise of said privilege so reserved; and provided further that the Interstate Park Commission be and hereby is fully empowered and authorized to acquire by mutual agreement, all mineral rights of said owner in said land.

Wahlquest property. SECTION 2. In respect to the 15 acre parcel last above described and designated on said map as the

"Wahlquist" property, if it shall appear upon inspection of said premises by said commission that improved lands have been unnecesarily included within said park boundaries and designated to be taken for said park purpose and the same shall appear to be unnecessary therefor, said commission is authorized and empowered to purchase or condemn under the laws applicable hereto, less than said 15 acres, the same being unimproved portion thereof and to cause a resurvey of the boundary lines through said premises in accordance with such readjustment and to cause a map of the changes so made in said park boundary to be filed in each of the aforesaid offices.

Commission, how designated. SECTION 3. In order to continue such commission and the work thereof, the governor shall in the month of June, 1905, appoint a successor to the present commissioners, a commission consisting of three persons which shall continue to be known and designated as "The Commission of the Interstate Park of the Dalles of the St. Croix" and each of which commissioners so appointed shall hold his office for the term of two years and until the appointment and qualification of his successor.

Compensation and expenses. SECTION 4. The commissioners shall qualify and organize, have the powers and be entitled to compensation and expenses the same in all respects as now provided in said chapter 305, laws of 1901.

Duty of commission. SECTION 5. Said commissioners shall continue the work of acquiring the title to said lands for said park purposes and all lands so acquired shall be under the regular care and supervision thereof subject to such rules and regulations as the governor may from time to time prescribe.

Powers conferred. SECTION 6. Said commission is hereby authorized and empowered to dispose of, subject to the approval of the governor, all or any of the dwelling houses and other structures now belonging to, and on the lands heretofore acquired by the state for said park purposes, for such amount in cash as in their judgment said buildings shall be worth, the net proceeds thereof to be paid in to the secretary of state and by him deposited in the state treasury to the credit of the park fund.

Contracts, how made. SECTION 7. All contracts for the purchase of real estate for the purpose of said park, shall be submitted to the governor and upon being approved by him the amount specified therein to be paid shall forthwith be paid to the person entitled thereto, out of the state treasury. If in view of any such contemplated purchase, there shall not be sufficient funds in the state treasury to the credit of the park fund, to pay for such lands said commission may, subject to the approval of the governor, contract with the owners thereof for an option thereon on such terms as may appear suitable and proper under the circumstances and the money consideration for such option may be lawfully paid by said commission out of any available funds appropriated for said park.

Plans, commission authorized to procure. SECTION 8. As soon as all of said park lands shall have been acquired by the state, said commission is authorized to procure suitable working plans for the reforestization of said park lands; also for roads, driveways, firelines and other improvements therein, and, subject to the approval of the governor, to cause said plans to be executed and improvements to be made.

Appropriation. SECTION 9. For the purposes of carrying out the provisions of this act there is hereby appropriated from the money in the state treasury, not otherwise appropriated, the sum of $10,000.00.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 335, S.] [Published June 20, 1905.

CHAPTER 396.

AN ACT to amend section 4951 of the statutes of 1898 relating to Bible and religious instructions.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Bibles and religious instructions. SECTION 1. Section 4951 of the statutes of 1898 is hereby amended by inserting after the words, "Young Mens Christian Association" in the sixth line of said section the words: or any other religious association or corporation, and by inserting after the word "prison" in the ninth line of said section the words: parental school, industrial school, home for dependent children, so that said section when amended shall read as follows: Section 4951. The keeper of each prison shall provide, at the expense of the county, for each prisoner under his charge, who may be able and desirous to read, a copy of the Bible or New Testament, to be used by such prisoner at proper seasons during his confinement; and any minister of the gospel or person duly delegated by any regularly organized Young Mens Christian Association *or any other religious association or corporation* within the county, disposed to aid in reforming the prisoners and instructing them in their moral and religious duties, shall have access to them at reasonable and proper times. All persons committed to any reform school, prison, *parental school, industrial school, home for dependent children* or other place of confinement or commitment, shall be allowed spiritual advice and ministration from any recognized clergyman of the denomination or church to which they may respectively belong or did belong prior to their commitment or confinement, which advice and ministration shall be given within the place of confinement in such manner as will secure to such persons the free exercise of their religious belief and under such reasonable rules and regulations as the officers in charge of such place *shall* prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 756, A.] [Published June 20, 1905.

CHAPTER 397.

AN ACT to authorize John S. Van Nortwick of Appleton and Ephriam Mariner of Milwaukee to build and maintain a dam across the Fox river, in the rapids at Grand Kaukauna in the city of Kaukauna in the county of Outagamie.

The people of the state of Wisconsin, represented in senate and and assembly, do enact as follows:

Location of dam. SECTION 1. John S. Van Nortwick of Appleton, Wisconsin, and Ephriam Mariner of Milwaukee, Wisconsin, and their successors and assigns are hereby authorized to build and maintain a dam across Fox river on the lower rapids at the city of Kaukauna, from government lots one (1), two (2), or three (3) in section twenty-one (21) south of Fox river and described on assessor's map of the city of Kaukauna as lots A. in said government lots to the north side of Fox river, connecting with lot H. in the southwesterly one-half (½) of private claim No. 35, all in township twenty-one (21) north of range eighteen (18) east, and to make use of the hydraulic power furnished by said dam.

Height. SECTION 2. Said dam shall not be of greater height than is sufficient to furnish a twenty-seven (27) foot head.

How constructed. SECTION 3. Said dam shall have a needle dam including a sluiceway to discharge water in time of freshets of not less than two hundred and fifty (250) feet in length, and a depth of at least five feet below the line of the main spill thereof.

Fishway. SECTION 4. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and such fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river.

Powers conferred. SECTION 5. Said John S. Van Nortwick and Ephraim Mariner, their associates, successors, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary in carrying out the provisions of this act may

exercise the powers granted to corporations by sections 1777a, 1777b, 1777c, 1777d of the statutes of 1898, including amendments that may have been or may hereafter be made to the same.

Powers and privileges defined. SECTION 6. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

Conditions of grant. SECTION 7. This act is passed in consideration of and upon the following express conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeited. SECTION 8. The refusal of the owners to submit to arbitration, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the

price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted. and the failure of the lessee or lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had, of such power or accumulation of water.

SECTION 9. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 750, A.] [Published June 20, 1905.

CHAPTER 398.

AN ACT to authorize W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs, associates and assigns, to build and maintain a dam across the Pelican river, in Oneida county, Wisconsin, for the purpose of improving the navigation of said river and the lakes above the site of the proposed dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs, associates and assigns, are hereby authorized and empowered to build and maintain a dam, not exceeding six (6) feet in height, across the Pelican river, on any lands owned by them or either of them, in the south half of the southeast quarter of section number four (4) or the north half of the northeast quarter of section number nine (9), in township number thirty-six (36) north of range number ten (10) east, in Oneida county, Wisconsin,

for the purpose of improving the navigation of said Pelican river and of the lakes drained by said river, situated above the site of said proposed dam.

Fishway. SECTION 2. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and such fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five dollars ($25) or more than one hundred dollars ($100).

How constructed. SECTION 2½. Said W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products destined to other points below said dam, shall be taken by the owners of said dam when they reach the flowage thereof or reach any jam that may be caused by the stoppage of logs by the works or pond of the owners of said dam and shall be driven by such owners free of charge and with reasonable dispatch through such flowage and pond and over said dam.

Powers and privileges defined. SECTION 3. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

Powers conferred. SECTION 3½. The said W. E. Brown, J. O. Moen, Matt Stapleton and John Barnes, their heirs and assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all the powers granted to corporations by sections 1777a to 1777d inclusive, of the statutes of 1898, including any amendments that may have been or may hereafter be affixed to the same.

Conditions of grant. SECTION 4. This act is passed in consideration of and upon the following express conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied in violation of any law of this state or of the United States.

4. In case the owner thereof desires to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, he shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 5. The refusal of any owner to submit to arbitration, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or his failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

SECTION 6. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 233, A.] [Published June 20, 1905.

CHAPTER 399.

AN ACT to authorize Stephen Steensen, his heirs and assigns, to build and maintain a dam across the La Crosse River, La Crosse county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. Stephan Steensen, his heirs and assigns, is hereby authorized to construct and maintain a dam across the La Crosse River, in La Crosse county, Wisconsin, on the southwest quarter of section thirty-three (33), in township seventeen (17), north of range six (6) west, in said county and state. The height of such dam not to exceed twelve (12) feet from low water mark; such dam to be constructed and maintained for milling, manufacturing, generating electricity, supplying municipalities and their inhabitants with light, heat and power, and for any lawful purpose whatsoever.

Fishway. SECTION 2. The dam erected under this act shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said river through the same.

Conditions of grant. SECTION 3. This act is passed in consideration of and upon the following express conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at any time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, express or implied, in violation of any law of this state or of the United States.

4. In case the owner thereof desires to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful private purpose, he shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price which shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 4. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rendered as herein provided, or his failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

Legislative rights reserved. SECTION 5. The right of the legislature to repeal or amend this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the fanchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 192, A.] [Published June 21, 1905.

CHAPTER 400.

AN ACT to authorize Charles A. Gesell, his associates, successors, heirs and assigns to build and maintain a dam across the Flambeau river, Iron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. Charles A. Gesell, his associates, successors, heirs and assigns are hereby authorized and empowered to build, construct and maintain a dam across the Flambeau river on the west half of section four (4) in township forty-one (41) north in range two (2) east, Iron county, state of Wisconsin, for the purpose of improving the navigation of said Flambeau river above said dam and to use and appropriate the hydraulic power created thereby for the transmitting of electricity and for manufacturing and such other purposes as the same may be adapted.

Powers conferred. SECTION 2. Said Charles Gesell, his associates, successors, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary in carrying out the provisions of this act may exercise the powers granted to corporations by sections 1777a, 1777b, 1777c, 1777d of the statutes of 1898, and the several acts amendatory thereto or thereof enacted or to be enacted.

How constructed. SECTION 3. Said dam shall be constructed of either concrete or common rock laid in Portland cement with the object in view that any freshet or flood from

dams above there may not impair its strength or wash it out by overflowing.

Height limit. SECTION 4. Said dam shall not be built to exceed thirty-five feet in height from the bed of the stream.

Manner of construction. SECTION 5. Said Charles A. Gesell, his associates, successors, heirs and assigns shall build and maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products destined to other points below said dam shall be taken by the owners of said dam when they reach the flowage thereof or reach any jam that may be caused by stopping of logs by the works or pond of the owners of said dam and shall be driven free of charge and with reasonable dispatch through said flowage and pond and over said dam.

Floods, discharge of. SECTION 6. Said dam shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs and other timber products below the dam authorized by this act and the owners of said dam shall so maintain and operate them as to permit the free passage of all such floods without substantial impairment of their effectiveness in assisting in the driving of logs and timber products down said river and shall be liable to damages to any person or corporation injured by failure of compliance with this section.

Fishway. SECTION 7. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five (25) dollars, nor more than one hundred (100) dollars.

How construed. SECTION 8. No corporate powers are granted by this act, and it shall not be construed or deemed to confer or grant any such powers.

Legislative rights reserved. SECTION 9. The power to alter, amend or repeal this act is hereby reserved to the legislature.

Conditions of grant. SECTION 10. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water, procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 11. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shal be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to com-

ply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any be had, of such power or accumulation of water.

SECTION 12. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 725, A.] [Published June 21, 1905.

CHAPTER 401.

AN ACT to authorize P. M. Parker and Sewell A. Peterson, of the city of Rice Lake, Barron county, Wisconsin, their heirs and assigns to build and maintain a dam across the Red Cedar river, in Barron county, Wisconsin, for the purpose of improving the navigation of said river and creating hydraulic power for the operation of machinery and for other lawful purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. For the purpose of improving the navigation of said river, and for the creation of water power for milling, manufacturing and hydraulic purposes, P. M. Parker and Sewell A. Peterson, their heirs and assigns, are hereby authorized to build and maintain a dam across Red Cedar river upon land owned by them, namely, the east half (½) of the northeast quarter (¼) of section 32, of township 35, north of range 11 west, in Barron county, Wisconsin, of the height of not more than fifteen feet above low water mark.

Powers conferred. SECTION 2. The said P. M. Parker and Sewell A. Peterson, their heirs and assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all the powers granted to corporations by sections 1777a to 1777d inclusive, of the statutes of 1898, including any amendments that may have been or may hereafter be made to the same.

Fishway. SECTION 3. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner or owners of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars.

No corporate powers. SECTION 4. No corporate powers or privileges are granted or intended to be granted by this act and the same shall not be construed or deemed to grant such power or privileges.

Conditions of grant. SECTION 5. This act is passed in consideration of and upon the following express conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied in violation of any law of this state or of the United States.

4. In case the owner thereof desires to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful private purpose, he shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of

water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 6. The refusal of any owner to submit to arbitration, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or his failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

Legislative power reserved. SECTION 7. The power to alter, amend or repeal this act is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 557, S.] [Published June 21, 1905.

CHAPTER 402.

AN ACT to amend section 4567 of the statutes of 1898, as amended by chapter 325, laws of 1903, prohibiting depositing of deleterious substances in waters and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Deposit of deleterious substances prohibited. SECTION 1. Section 4567 of the statutes of 1898, as amended by chapter 325, laws of 1903, is hereby amended by adding after the words, "decayed wood," where they occur in line 14 of chapter 325, laws of 1903, the words: sawdust, saw mill offal and planing mill shavings; also by adding after the word paper where it occurs in line 16 of chapter 325, laws of 1903, the words: beet sugar; further amend by striking out the word "or" in line 20, all of lines 21, 22, 23, 24 and 25, and the words: mill shavings, in line twenty-six of chapter 325, laws of 1903; also further amend by adding after the word "mouth," where it occurs in line 30 of chapter 325, laws of 1903, the words: nothing in this section shall apply to the following streams: the Kickapoo river, the Pine river in Richland county, Balsam branch in Polk county, the Chippewa river from mouth of Thornapple river to its mouth, Flambeau river from dam at Ladysmith to its mouth, Black river from Falls dam down in Jackson county and the Wisconsin river from the north boundary line of the city of Rhinelander down to its mouth; so that said section 4567 when so amended shall read as follows: Section 4567. Any person who shall cast, deposit or throw overboard from any row, sail or steamboat or other craft into any of the inland waters of this state or into Green Bay, Sturgeon Bay and Chequamegon Bay, or deposit or leave upon the ice thereof until it melts, any fish offal, which shall be construed to mean and include the head, intestines, blood and cleanings of fish and dead fish, or throw or deposit or permit to be thrown or deposited any lime, tanbark, ship-ballast, stone, sand. slabs, decayed wood, *sawdust, saw mill offal and planing mill shavings*. or any acids or chemicals or waste or refuse arising from the manufacture of pulp, paper or *beet sugar* or other substances deleterious to fish life, (author-

ized drainage and sewerage from municipalities excepted), into any of the rivers, lakes or streams of this state, including Green Bay, Chequamegon Bay, Sturgeon Bay or into any streams wherein there have been planted trout fry, or in which trout naturally abound, * * * shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than four months. *(Nothing in this section shall apply to the following streams: the Kickapoo river, the Pine river in Richland county, Balsam branch in Polk county, the Chippewa river from the mouth of Thornapple river to its mouth, Flambeau river from dam at Ladysmith to its mouth, the Black river from the Falls dam down in Jackson county and the Wisconsin river from the north boundary line of the city of Rhinelander down to its mouth.)* The fact of any fisherman coming to the shore with dressed fish in his boat and without the offal produced by such dressing shall be *prima facie** evidence of the violation of the first clause of this section.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 555, S.] [Published June 21, 1905.

CHAPTER 403.

AN ACT providing for a time when fish may be caught with certain nets in a part of Chequamegon Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Open season for fishing with nets. SECTION 1. From the first day of January until the first day of June in each year, fish may be taken by means of gill-nets only, having a mesh not less than four inches, stretch measure, in that part of Che-

*Printed in italics in the enrolled act.

quamegon Bay included within the following described boundary lines to-wit: Commencing on the west shore of Chequamegon Bay at a point where the town line between the towns of Bayfield and Washburn intersects said shore and then proceeding in a southwesterly direction along said shore of said bay to a point opposite the dynamite plant on said west shore; thence running southeasterly to the north end of the Wisconsin Central Ore Dock; thence running northeasterly to Oak Point; thence running northwesterly to the light-house on Long Island; thence running westerly across to the point of beginning; provided, however, that no net exceeding one hundred feet in length shall be set or used in the herein described waters. Except as in this act provided the general law of the state applicable to all fishing in Chequamegon Bay shall govern.

Penalty. SECTION 2. Any person who shall take or catch fish in the waters herein described at any other time than herein provided, or with any other net than the one permitted by this act, or with a gill net of a smaller mesh than four inch, stretch measure, or by a gill net more than one hundred feet in length, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and costs of prosecution or by imprisonment in the county jail of the county in which the offense was committed not less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 552, S.] [Published June 21, 1905.

CHAPTER 404.

AN ACT providing for a commission to special deputy game wardens, an official identification card and providing a penalty for falsely representing a fish and game warden.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission of deputy game wardens. SECTION 1. All special deputy fish and game wardens shall, before exercising any of the power and authority of a warden, be provided with a commission issued by the state fish and game warden under the seal of his department and approved by the governor. Such commission shall contain the date on which the term for which said special deputy fish and game warden is appointed, shall expire, and shall be substantially as follows:

STATE OF WISCONSIN.

DEPARTMENT FOR THE PROTECTION OF FISH AND GAME.

To all to whom these presents shall come, greeting:

Know ye that reposing special trust and confidence in the integrity and ability of ———— ———— - —-, of the county of ————–, I do hereby, with the consent and approval of the governor, appoint and constitute him a special deputy fish and game warden for the state of Wisconsin, and do authorize and empower him to execute and fulfill the duties of that office according to law until ——— — - ——, 190—, unless this commission is sooner revoked.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at Madison, Wisconsin, this —— day of ————.

Approved.

—— — - ——————————,
State Fish and Game Warden.

———— ——————— –,
Governor.

Identification card; photograph. SECTION 2. The game warden department shall furnish each and every special deputy fish and game warden at the time of his appointment a pocket identification card or folder in form and substance as follows: A leather covered folder, size when folded three by four inches, on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by him and partly on the photograph and partly of the margin of such folder shall be an impression of the seal of the game warden department; such appointee shall also affix his signature below the photograph on such folder. On the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee which shall be signed by the state fish and game warden. Such appointee when exercising the authority conferred upon him shall on demand of any person to whom he may represent himself as a deputy game warden, exhibit such identification card. When on official duty, such appointee shall at all times carry such identification card on his person.

Penalty for impersonation of game warden. SECTION 3. Any person who shall falsely represent himself to be a special deputy fish and game warden or who shall assume to act as such without having been first duly appointed as herein provided, shall be punished by imprisonment in the county jail not more than six months or by a fine not to exceed one hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 551, S.] [Published June 21, 1905.

CHAPTER 405.

AN ACT to prohibit hunting rabbits with ferrets in certain counties, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ferrets, hunting rabbits with. SECTION 1. It shall be unlawful and is hereby prohibited to hunt, take, kill or pursue rabbits with ferrets, or to have a ferret or ferrets in possession while hunting, in the counties of Door, Kewaunee, Brown, Manitowoc, Calumet, Sheboygan, Fond du Lac, Dodge, Washington, Ozaukee, Milwaukee, Waukesha, Jefferson, Racine, Kenosha, Walworth and Rock.

Penalty. SECTION 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed of not less than ten days nor more than twenty days or by both such fine and imprisonment in the discretion of the court. All ferrets used in violation of this act are hereby declared a public nuisance and may be seized and disposed of by the state fish and game warden in the manner provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 549, S.] [Published June 21, 1905.

CHAPTER 406.

AN ACT limiting the number of game birds to be killed or possessed and regulating the transportation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Game birds, number killed limited. SECTION 1. It shall be unlawful and is hereby prohibited to kill, or have in possession, or ship to any point either within or without this state by common carrier, or convey or cause to be conveyed by private carrier, during any one day,

(a) More than fifteen prairie chickens, prairie hens, grouse of any variety or woodcock;

(b) More than twenty-five partridge or pheasant;

(c) More than thirty wild geese, wild duck of any variety, plover or snipe;

(d) Any quail;

Provided that a resident possessing a hunting license then in force may carry with him as baggage or express or in his personal possession the full limit of any one kind of game birds provided for in this act, or a mixed bag containing not more than fifty of the game birds herein enumerated, the bag not to contain more than the limit fixed herein for any one kind of said game birds; and further provided that same be carried only to points within this state, and that same must be accompanied by the shipper from the point of shipment to point of destination; further provided that a non-resident in possession of a hunting license then in force may take fifty game birds beyond the borders of this state, only when he accompanies the same from point of shipment to the border of this state; and further provided that not more than fifty game birds shall be taken by any non-resident in any one year.

Penalty. SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not

less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 530, S.] [Published June 21, 1905.

CHAPTER 407.

AN ACT to authorize D. E. Dawson, J. A. Barrett and their associates and assigns to build and maintain a dam and other structures in and across the Wisconsin river in Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. D. E. Dawson, J. A. Barrett and their associates and assigns are hereby authorized to construct and maintain a dam not to exceed 13 feet in height in the Wisconsin river in Lincoln county, Wisconsin, the same to extend from lot five (5) in section nineteen (19) across said river to lot three (3) in section twenty (20) in township thirty-one (31) north of range seven (7) east, such dam to be constructed and maintained for the purpose of improving the navigation of the river and creating power and for milling, manufacturing and general hydraulic purposes; also to erect and maintain on and in said river on said lands mills, machinery, piers and all other structures, appendages and improvements necessary and proper to enable them to use the water of said river for said purposes.

How constructed. SECTION 2. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wisconsin river. The said grantees shall build, maintain, and keep in repair suitable slides and chutes in said dam for the running of logs and other timber products over the same, sufficient in capacity to accommodate

all such logs and products as may be floated down said river, and shall maintain a sufficient unobstructed channel for the passage of all logs and other floatables through the pond created by said dam, and all logs and other floatables destined to points below the said dam shall be taken by the owners of said dam when they reach the flowage of the pond created thereby, or reach any jam that may be caused by the stopping of logs or other floatables by the works or pond of such owners and be driven free of charge, and with reasonable dispatch, through said flowage and pond and over said dam. The provisions of section 1601 of the Wisconsin statutes shall not apply to said dam.

Powers conferred. SECTION 3. Said D. E. Dawson, J. A. Barrett, their associates and assigns, for the purpose of acquiring any flowage rights which they may deem necessary in carrying out the provisions of this act may exercise all powers granted to corporations by sections 1777 to 1777d of the Wisconsin statutes of 1898 as amended.

Fishway. SECTION 4. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owners of said dam shall neglect or refuse to construct or keep in repair or maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five (25) dollars, nor more than one hundred (100) dollars.

Legislative power reserved. SECTION 5. The right is hereby reserved to the legislature to repeal or amend this act at any time.

Conditions of grant. SECTION 6. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act

shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water, procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 7. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators, shall work a forfeiture of his lease, if any be had, of such power or accumulation of water.

SECTION 8. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 527, S.] [Published June 21, 1905.

CHAPTER 408.

AN ACT to authorize the Stolle—Barndt Lumber Company, its successors and assigns to build and maintain a dam across the Big Somo river in Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. The Stolle–Barndt Lumber Company, its successors and assigns, is hereby authorized and empowered to build and maintain a dam not exceeding 9 feet in height across the Big Somo river in section four, township thirty-five north, range four east in Lincoln county.

Purpose of construction. SECTION 2. The said Stolle–Barndt Lumber Company may construct such dam for the purpose of driving, booming and storing logs and timber, for the creation and use of hydraulic power, and for the improvement of the navigation of said river. The said company, its successors and assigns shall have the right to use, lease and dispose of all surplus water power in conducting and carrying on any manufacturing business and for that purpose may build race ways and flumes and all other equipment necessary to develop and use the surplus power for such purposes.

Powers conferred. SECTION 3. Said grantees, their associates, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary for the accomplishment of the public purposes hereinbefore specified, may exercise all powers granted to corporations by sections 1777a to 1777d inclusive of the statutes of 1898, and such amendments thereto as may have been, or may be made.

Fishway. SECTION 4. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owner, or owners, of said dam shall neglect or refuse to construct or keep in repair or keep open such fishway, as required by the provisions of this

act, they shall, upon conviction thereof be fined not less than twenty-five dollars nor more than one hundred dollars.

How constructed. SECTION 5. The said grantees shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and other timber products over the same, sufficient in capacity to accommodate all such logs and products as may be floated down said river, and shall maintain a sufficient, unobstructed channel for the passage of all logs and other floatables through the pond created by said dam, and all logs and other floatables destined to points below the said dam shall be taken by the owners of said dam when they reach the flowage of the pond created thereby, or reach any jam that may be caused by the stopping of logs or other floatables by the works or pond of such owners and be driven free of charge, and with reasonable dispatch, through said flowage and pond and over said dam. The provisions of section 1601 of the statutes of 1898 shall not apply to said dam.

Legislative power reserved. SECTION 6. The right is reserved to the legislature to repeal or modify this act at any time.

Conditions of grant. SECTION 7. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied, in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water, procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall slect

another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 8. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any be had, of such power or accumulation of water.

SECTION 9. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 505, S.] [Published June 21, 1905.

CHAPTER 409.

AN ACT to authorize the building of a dam across the Jump river in Gates county in section 26, township 33, range 5 west, by John T. Cosgriff, his successors and assigns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. John T. Cosgriff, his successors and assigns, are hereby authorized to erect, construct and maintain a dam, of a height not exceeding 20 feet, across the Jump river in Gates county, in section 26, township 33, range 5 west.

Purpose for which authorized. SECTION 2. The said power and authority are granted for the purpose of enabling said grantees to help navigation by creating slack water above said dam, and to assist in the floating of ties, fence posts and other timber down said river. Any hydraulic power that may be incidentally created thereby not needed for the purposes stated may be used, leased or sold.

Powers conferred. SECTION 3. The power of condemnation of lands that may be needed for flowage or otherwise, for the carrying out of the provisions of this act, shall be those allowed by sections 1777, 1777a, 1777b, 1777c and 1777d of the statutes of 1898 and acts amendatory thereof.

How constructed. SECTION 4. Said grantees shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and other timber products over the same, sufficient in capacity to accommodate all such logs and products as may be floated down said river, and shall maintain a sufficient, unobstructed channel for the passage of all logs and other floatables through the pond created by said dam, and all logs and other floatables destined to points below the said dam shall be taken by the owners of said dam when they reach the flowage of the pond created thereby, or reach any jam that may be caused by the stopping of logs or other floatables by the works

or pond of such owners, and be driven free of charge, and with reasonable dispatch, through said flowage and pond and over said dam.

Powers conferred. SECTION 5. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five (25) dollars, or more than one hundred (100) dollars.

Legislative right reserved. SECTION 6. The right is hereby reserved to the legislature to repeal or amend this act at any time.

Conditions of grant. SECTION 7. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied, in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid

for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 8. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators, shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

SECTION 9. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 494, S.] [Published June 21, 1905.

CHAPTER 410.

AN ACT to authorize J. B. Mathews, L. F. Mathews, G. O. Mathews and S. E. Mathews, of Ashland, Ashland county, Wisconsin, their heirs, associates and assigns to build and maintain a dam across the White river in Bayfield county, Wisconsin, for the purpose of improving the navigation of said river and creating hydraulic power for the operation of machinery, and for other lawful purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. J. B. Mathews, L. F. Mathews, G. O. Mathews and S. E. Mathews of Ashland, Ashland county Wisconsin, their heirs, associates and assigns, are hereby authorized to build and maintain a dam across White river, in Bayfield county, Wisconsin, at any point they may select, on land owned by them, in section one, in township forty-six (46), North of range five (5) west, of the height of not more than forty-five (45) feet above low water mark, for the purpose of improving the navigation of said river, and for the creation of hydraulic power for the operation of machinery of all kinds which they may see fit to use; and they may sell or lease or otherwise encumber the water power created by said dam, to any person or persons whomsoever.

Fishway. SECTION 2. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and the fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down the river.

Powers conferred. SECTION 3. Said J. B. Mathews, L. F. Mathews, G. O. Mathews and S. E. Mathews, the heirs, associates and assigns, for the purpose of acquiring any flowage rights which may be necessary in carrying out the provisions of this act, may exercise the powers granted to corporations by sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898 and the several acts amendatory thereof enacted or to be enacted.

No corporate powers. SECTION 4. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

Conditions of grant. SECTION 5. This act is passed in consideration of and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding expressed or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease, rent or furnish and hydraulic power or accumulation of water procured or created under this act, for public purposes or for any unlawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 6. The refusal of the owners to submit to arbitration, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate or forfeit the franchise hereby granted, and the

failure of the lessee or lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had, of such power or accumulation of water.

SECTION 7. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 490, S.] [Published June 21, 1905.

CHAPTER 411.

AN ACT to authorize G. E. Newman to construct a dam across Main creek in Gates county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. G. E. Newman, his associats, heirs and assigns, are hereby authorized and empowered to erect, construct and maintain a dam of a height not to exceed fifteen feet, across Main creek in section 31, in township 34, north, of range 5 west, for improving the navigation of the river and for other purposes.

Powers conferred. SECTION 2. Said grantees, their associates, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary for the accomplishment of the public purposes hereinbefore specified, may exercise all powers granted to corporations by sections 1777a to 1777d inclusive of the statutes of the state of Wisconsin of 1898, and such amendments thereto as may have been or may be made.

How constructed. SECTION 3. The said grantees shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and other timber products over the same, sufficient in capacity to accommodate all such logs and products as may be floated down said river, and shall maintain a sufficient, unobstructed channel for the passage of all logs and other floatables through the pond created by said dam, and all logs and other floatables destined to points below the said dam shall be taken by the owners of said dam when they reach the flowage of the pond created thereby, or reach any jam that may be caused by the stopping of logs or other floatables by the works or pond of such owners and be driven free of charge, and with reasonable dispatch, through said flowage and pond and over said dam.

Fishway. SECTION 4. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five ($25) dollars, nor more than one hundred ($100) dollars.

SECTION 5. The right is hereby reserved to the legislature to repeal or amend this act at any time.

Conditions of grant. SECTION 6. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful

private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 7. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any be had, of such power or accumulation of water.

SECTION 8. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 385, S.] [Published June 21, 1905.

CHAPTER 412.

AN ACT to amend section 1459 of the statutes of 1898 as amended by chapter 320 of the laws of 1901 as amended by chapter 259 of the laws of 1903, relating to the state horticultural society and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation increased. SECTION 1. Section 1459 of the statutes of 1898 as amended by chapter 320 of the laws of 1901 as amended by chapter 259 of the laws of 1903 is hereby amended by striking out the words "four thousand" where the same appear in the 21st line of section 1 of chapter 259 of the laws of 1903 and inserting in lieu thereof the words: *four thousand four hundred.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 342, S.] [Published June 21, 1905.

CHAPTER 413.

AN ACT to amend section 1133 of the statutes of 1898, relating to the collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Printer's compensation, how apportioned. SECTION 1. Amend section 1133 of the statutes of 1898 so as to read as follows:

Section 1133. The printer who shall publish the list and notice of sale of lands for taxes shall receive *for all insertions*

not to exceed twenty-five cents for each tract or lot of land in such list not exceeding one thousand, and fifteen cents for each tract or lot of land in such list in excess of one thousand, except that when the same is published under contract, as provided in section 1131, he shall receive the compensation fixed by such contract and no more. The compensation paid for such publication shall in all cases be apportioned equally upon the several parcels of land advertised; and whenever such list of lands shall also be published in a newspaper published in any other than the English language, in pursuance of an order of the county board made in accordance with the provisions of section 675, the compensation paid for such publication shall also be apportioned equally upon the several parcels of land advertised.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 321, S.] [Published June 21, 1905.

CHAPTER 414.

AN ACT to amend section 1512 of the statutes of 1898, as amended by chapter 319 of the laws of 1903, and as further amended by chapter 222 of the laws of 1905, relating to relief of poor persons, and adding a new section thereto to be numbered 1512a, providing for appeals in such matters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Disallowance of claim; notice of. SECTION 1. Section 1512 of the statutes of 1898, as amended by chapter 319 of the laws of 1903 and as further amended by chapter 222 of the laws of 1905, is hereby amended by inserting immediately before the last sentence of said amended section the following: *The clerk of any town, city or village disallowing any such claim on the part of a county shall, within the same time and in like manner, give notice of such disallowance and until the same is received by the*

county clerk the time within which an appeal may be taken from such disallowance or an action commenced shall not begin to run.

District attorney to bring action. SECTION 2. There is hereby added to the statutes of 1898, a new section to be numbered 1512a, and which said section shall read as follows: Section 1512a. Upon receipt of notice of the disallowance of the claim of any county, the county clerk receiving such notice shall forthwith notify the district attorney of his county, who shall be authorized and empowered to institute an action or take an appeal in the name of the county, as the case may require, for the recovery of so much of said claim as shall be disallowed, and for the purposes hereof no county shall be required to give bond for the faithful prosecution of such action or appeal or payment of costs adjudged therein.

SECTION 3. All acts or parts of acts in conflict herewith are repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 293, S.] [Published June 21, 1905.

CHAPTER 415.

AN ACT to authorize E. W. Hopkins, his heirs or assigns, to erect and maintain a dam across the Pine river in Florence county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. E. W. Hopkins, his heirs and assigns, are hereby authorized to build and maintain a dam across the Pine river in section twenty-eight of township thirty-nine north of range eighteen east, in Florence county, Wisconsin, for the purpose of improving the navigation of said river; and the said E. W. Hopkins, his heirs and assigns, are hereby

authorized to use the hydraulic power created by said dam for manufacturing purposes.

Height. SECTION 2. Said dam shall not be built or maintained of a height greater than shall be sufficient to raise the water of said river to a height more than thirty-two feet above its normal level at the west line of said section twenty-eight.

Powers conferred. SECTION 3. For the purpose of acquiring the necessary lands, or rights, easements and privileges in lands necessary for flowage, so that the complete construction of said dam and improvement under this act, may be successfully carried out, the said E. W. Hopkins, his heirs and assigns, may have and enjoy all the rights granted to and conferred upon corporations by sections 1777a, 1777b, 1777c and 1777d of the statutes of 1898.

How constructed. SECTION 4. Said E. W. Hopkins, his heirs, associates and assigns, shall build and maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient, unobstructed channel for the free passage of logs and timber products through the pond created by said dam, and all logs and other timber products destined to other points below said dam shall be taken by the owners of said dam when they reach the flowage thereof or reach any jam that may be caused by the stoppage of logs by the works or pond of the owners of said dam, and shall be driven by such owners free of charge and with reasonable dispatch through said flowage and pond and over said dam.

Floods, discharge of. SECTION 5. Said dam shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any and all floods discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs, and other timber products below the dam authorized by this act, and the owners of said dam shall so maintain it and operate it as to permit the free passage of all such floods without substantial impairing of their effectiveness in assisting in the driving of logs and timber products down said river, and shall be liable to damages to any person or corporation injured by failure of compliance with this section.

No corporate powers. SECTION 6. No corporate powers are granted by this act and the same shall not be construed or deemed to grant such powers.

Fishway. SECTION 7. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five ($25) dollars, nor more than one hundred ($100) dollars.

Legislative rights reserved. SECTION 8. The right is hereby reserved to the legislature to repeal or amend this act at any time.

Conditions of grant. SECTION 9. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water, procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the ar-

bitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 10. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after subimssion, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any be had, of such power or accumulation of water.

SECTION 11. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 17, 1905.

No. 282, S.] [Published June 21, 1905.

CHAPTER 416.

AN ACT to amend chapter 47 of the statutes of 1898, entitled "Of the registration of marriages, births, deaths and accidents", and to amend sundry other statutes relating to the same matter, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registration of marriages, births, deaths and accidents. SECTION 1. Section 1026 of the statutes of 1898 is hereby amended by striking out all of said section after the word "treasury" in the twenty-fourth line thereof, and inserting in lieu of the portion so stricken out the following: Every such register shall quarterly in the months of January, April, July and October in each year transmit upon suitable blanks to be provided by the state board of health, a copy of the record of such marriages, births, deaths and accidents, duly certified by him, to the state board of health, and the secretary of the state board of health shall file and record the same, and the state board of health shall tabulate the same in such form as may enable the said board to study the same. So that when amended the said section shall read as follows: Section 1026. Each register of deeds shall record in such books and in the proper blanks and shall file in his office all certificates of marriages, births, deaths *and accidents* returned to him pursuant to law; and he shall keep a general index to all such records in a separate book, in which he shall enter in alphabetical order the name, the page of the record and the date of the marriage, birth, death *or accident* of each person therein recorded. Each such register shall annually, at least six and not more than fifteen days prior to the annual meeting of the county board, make and file with the county clerk, on suitable blanks to be furnished by the latter, a sworn statement showing and giving the names of all physicians or other persons mentioned in the first lines of section 1023 and 1024, and following the name of such persons the number of the births, deaths *and accidents* reported by each during the year next preceding for which the county shall have become liable for fees mentioned in section 1024 shall be given, and the total amount due each from the county. Such statement shall

be laid before the county board by said clerk and shall be *prima facie** evidence of the claim of the *person* named, and the county board shall audit such claim and direct orders to be issued therefor; and if any person in whose favor any such order is drawn shall not call for the same within two years from the time the county board audited his account, he shall be deemed to have waived his right to any compensation for his services and the county board shall cancel such order. Every register of deeds, as a compensation for his services in making such statement to the county clerk, shall receive for each birth, death *or accident* therein reported, two cents, to be paid out of the county treasury. *Every* such register shall *quarterly in the months of January, April, July and October in each year,* transmit upon suitable blanks to be *provided by the state board of health,* a copy of the record of such marriages, births, deaths *and accidents,* duly certified by him, to the *state board of health, and the secretary of the state board of health* shall file and record the same, *and the state board of health shall tabulate the same in such form as may enable the said board to study the same,* * * *.

Appropriation for securing vital statistics. SECTION 2. There shall be annually appropriated to said state board of health, in addition to other appropriations provided by law, the sum of three thousand dollars, or so much thereof as may be necessary, to be paid on the certificate of the president and secretary of said state board of health, to enable the said state board of health to procure the necessary clerical assistance to properly classify, tabulate and study such vital statistics.

Register of deeds to forfeit for neglect. SECTION 3. Every register of deeds who shall fail or neglect to transmit to the state board of health such copies of record as are provided for in section 1 hereof, shall incur a forfeiture of the sum of two hundred and fifty dollars ($250.00) for each such failure, which shall be sued for by the district attorney of the county of which such register may be an officer, under the direction of the state board of health.

Superintendent of vital statistics. SECTION 4. Section 1409 of the statutes of 1898 is amended by striking out all in said section after the word "board" in the ninth line thereof and inserting in lieu of the portion so stricken out the following: He shall also be superintendent of vital statistics under the direction of the state board of health and shall collect the statistics

*Printed in italics in the enrolled act.

of marriages, births, deaths and accidents and shall biennially prepare and publish such report thereof as may be determined by said board to be important or useful. So that said section when amended shall read as follows: Section 1409. The secretary shall be the executive officer of the board; he shall keep a record of its transactions and have the custody of its books, papers, and all other property. He shall so far as practicable communicate with other similar state boards, and local boards of health within this state and file and keep all reports of correspondence; he shall prepare and distribute to local boards blank forms and instructions as may be necessary, and collect all such information and statistics as concern the work of the board and perform all other duties which may be prescribed by law or the by-laws of the board. He shall also be superintendent of vital statistics and under the direction of the *state board of health* shall collect the statistics of marriages, births, deaths *and accidents* and *shall biennially* prepare and publish *such* report thereof *as may be determined by said board to be important or useful.*

Fees of register of deeds. SECTION 5. Section 764 of the statutes of 1898 relating to the fees of the register of deeds is amended by striking out the subdivision thereof, reading as follows: "For registering any marriage, birth or death, twenty-five cents, and for copy thereof certified to the secretary of state, ten cents, to be paid by the county in cases wherein the certificates or proof of such marriage, birth or death is presented for registration within one year after its occurrence; but otherwise to be paid by party procuring the registration" and insert in lieu of the portion so stricken out the following: *For registering any marriage, birth, death or accident, twenty-five cents, and for copy thereof certified to the state board of health, ten cents, to be paid by the county in cases where the certificates or proof of such marriage, birth, death or accident is presented for registration within one year after its occurrence; but otherwise to be paid by the party procuring the registration.*

Fees. SECTION 6. Section 764a of the statutes of 1898 is amended by striking out subdivision thereof as follows: "For registering any marriage, birth or death, twenty cents, and for copy thereof certified to the secretary of state, seven cents, to be paid by the county in cases wherein the certificates or proof of such marriage, birth or death is presented for registration within one year after its occurrence, but otherwise to be paid

by the party procuring the registration," and inserting in lieu of the portion so stricken out, the following: *For registering any marriage, birth, death or accident, twenty cents and for copy thereof certified to the state board of health, seven cents, to be paid by the county in cases where certificates or proof of such marriage, birth, death or accident is presented for registration within one year after its occurrence, but otherwise to be paid by the party procuring the registration.*

Physicians to report accidents. SECTION 7. It shall be the duty of any physician to report any accident to any person whom he is called upon to care for professionally when such person is thereby incapacitated for pursuing his usual vocation for a period of at least two weeks. The cause, nature, and results of such accident, the place where and the condition of the person at the time it occurred shall be fully described in the report of such physician. The returns of such accident shall be made by the physician and by the public officer, and the fees therefor and the penalties for non-compliance on the part of either the physician or the public officer, shall be the same as in cases of births and deaths.

Vital statistics, where kept. SECTION 8. The vital statistics records shall be kept in the state capitol, and it shall be the duty of the superintendent of public property to provide suitable vault room for that purpose together with an office for the secretary of the state board of health.

Fees for clergymen. SECTION 9. Section 1022 of the statutes of 1898 is hereby amended by adding after the word "contracted" in the 12th line thereof, the following: and shall receive for each such certificate so returned, twenty-five cents, the said fees to be audited and paid out of the county treasury on an itemized account in accordance with the provisions of section 1026; but no duplicates shall be counted in computing such fees, so that said section when so amended shall read as follows:

Section 1022. Every person or society authorized by law to solemnize marriages, by or before whom any marriage may be solemnized or contracted, shall at once make a record of the same in a book therefor, which shall contain, as far as the same can be ascertained, the full name of the husband, his occupation, place of birth and residence, full name of wife previous to marriage, names of parents of husband and of wife, the color of the parties, the time and place when and where and ceremony

by which such marriage was contracted, and if solemnized by any clergyman or other person, his place of residence; and shall, within thirty days after such marriage, return the same facts in the form of a certificate, duly signed and dated, to the register of deeds of the county in which such marriage was contracted; *and shall receive for each such certificate so returned, twenty-five cents, the said fees to be audited and paid out of the county treasury on an itemized account in accordance with the provisions of section 1026; but no duplicates shall be counted in computing such fees;* and if he shall neglect to return the same as above provided he shall forfeit for every such neglect not less than twenty-five nor more than one hundred dollars; provided, that action therefor shall have been commenced before such certificate of marriage shall have been actually delivered to the register of deeds of the proper county.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 540, S.] [Published June 21, 1905.

CHAPTER 417.

AN ACT to amend section 486a of statutes of 1898 as amended by chapter 272 of the laws of 1899, relating to the selection of books for township libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Township library fund; lists of books; purchase and distribution. SECTION 1. Section 486a as amended by chapter 272 of laws of 1899 is hereby amended to read as follows: Section 4862a.* *The treasurer of every county in this state shall withhold annually from the apportionment received from the school fund, or other income for school districts, an amount equal to ten cents per capita for each person of school age residing in the county, said money to be expended for the purchase of library*

*Entire section rewritten.

books, as hereinafter provided. Between the first days of April and September of each year the county or district superintendent of schools shall provide for the expenditure of all moneys withheld by the county treasurer for the purchase of library books, said books to be selected from the list prepared by the state superintendent and to be distributed among the districts under his supervision in proportion to the amount of money withheld from each. It shall be the duty of the county or district superintendent to procure a list of books now in the library of each school district and to arrange such lists by districts and towns in numerical and alphabetical order. When such lists have been obtained, the county or district superintendent shall make a selection for each school district under his supervision, the books to be taken from the list prepared by the state superintendent. It shall also be his duty to furnish each town clerk, village clerk and clerk of cities of the fourth class with a list of the books designated for each district. The county or district superintendent shall also certify to the county clerk the names and numbers of the books selected for each town, village, or city of the fourth class under his supervision, the price fixed in the list issued by the state superintendent to be attached in each case and the total cost of such books to be correctly summarized and indicated. A duplicate copy shall be furnished to the company or firm selected by the state department or commission to furnish the books, periodicals, etc., for township libraries. The company or firm shall upon receipt of the list from the county superintendent fill the order for each town, village or city of the fourth class, as directed, said order when so filled to be sent to the town, village or city clerk. The town, village or city clerk shall immediately upon the receipt of the books from the company or firm compare the order so filled with the list in his possession and shall immediately report to the county or district superintendent. If such report is satisfactory, the county or district superintendent shall notify the county clerk to draw an order upon the county treasurer for the cost of the books so furnished to each town. It shall be the duty of the county treasurer to issue a draft in favor of the company or firm for the amount so certified...The board of directors of any free public library and the school board or the board of education of any school district, town, village or city in which a free public library is provided for and maintained, may make such exchanges and loans of books as said officers shall agree upon for thepurpose of increasing the efficiency of both libraries and insuring the best service to the schools and all citizens. The state superintendent

shall have authority to suspend the operation of this act in any school district, town, village or city which shall maintain a free public library by giving due notice of such suspension to the clerk of such school district, town, village or city.

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after January 1, 1906.

Approved June 17, 1905.

No. 77, S.] [Published June 21, 1905.

CHAPTER 418.

AN ACT to appropriate to the Wisconsin State Board of Agriculture certain sums of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for specific purposes. SECTION 1. There is hereby appropriated out of the general fund of the state, not otherwise appropriated, the sum of sixty thousand dollars, to the Wisconsin State Board of Agriculture, for the purpose of making the following named improvements upon the property of the state, known as the state fair grounds, located in Milwaukee county:

For erection of live stock judging pavillion.....	$37,500.
For building streets, drives and walks.....	5,000.
For repairs on buildings.....	10,000.
For erection of central toilet building.....	2,500.
For building bridge in race track.....	5,000.
Total	$60,000.

Cash registering turn stiles authorized. SECTION 2. If at any annual or special meeting, called for such purpose, a majority of the state board of agriculture shall vote to place cash

registering turn stiles at certain entrances of the state fair grounds, and to what is known as the grand stand, located therein, then it shall be the duty of state officers to place such stiles at the entrances so selected, within six months from such official action by said board; the cost thereof shall be deducted from the current receipt from said fair.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 307, S.] [Published June 22, 1905.

CHAPTER 419.

AN ACT to amend, revise and consolidate the drainage district laws of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petition for, what to contain. SECTION 1. Whenever a majority of the adult owners of lands within any district of land, who shall represent one-third in area of the lands within said district to be reclaimed or benefited, or whenever the adult owners of more than one-half of the lands within such district desire to construct one or more drains, ditches, levees, or other works across the lands of others, for the promotion of the public health or welfare, and the drainage of said lands, or desire to maintain and keep in repair any such drain, ditch or levee heretofore constructed under any law of this state, such owners may file in the circuit court of any county in which the lands, or any part of them, shall lie, a petition setting forth:

1st. The proposed name of said drainage district.

2d. The necessity of the proposed work, describing the necessity.

3d. A general description of the proposed starting points, routes and termini of the proposed drains, ditches and levees.

4th. A general description of the lands proposed to be included in said district.

5th. The names of the owners of all lands in said district when known.

6th. If the purpose of said petitioners is the enlargement, repair and maintenance of a ditch, levee or other work heretofore constructed under any law of this state, said petition shall give a general description of the same, with such particulars as may be deemed important.

7th. Said petition shall pray for the organization of a drainage district by the name and with the boundaries proposed, and for the appointment of commissioners for the execution of such proposed work, according to the provisions of this and the following sections.

No petition having as many signers as are required by this section shall be declared void, but the court may at any time permit the petition to be amended in form and substance to conform to the facts, if the facts justify the organization of a drainage district. Several similar petitions for the organization of the same district may be circulated, and when filed shall together be regarded as onepetition having as many signers as there are separate adult signers on the several petitions filed, who own lands within said proposed drainage district. All petitions for the organization of said district filed prior to the hearing on said petition shall be considered by the court, the same as if filed with the first petitions placed on file, and the signatures thereon contained shall be counted in determining whether sufficient land-owners have signed said petition. Said territory need not be contiguous, provided that it be so situated that the public health or welfare will be promoted by such drainage of each part thereof and the benefits of the proposed work in each part will exceed the damages from and costs of said proposed work in each part; and provided further that the court shall be satisfied that said proposed work can be more cheaply done if in a single district than otherwise.

Notice of time and place of hearing. SECTION 2. On such petition being filed, the court or judge thereof shall make an order fixing a time and place of hearing thereon and ordering notice; thereupon the clerk of said court, for the county in which the proceedings are instituted, shall cause twenty days notice of the filing of such petition to be given (1) by posting notice thereof in at least five public places in the district in which said work is to be done, (2) by serving or causing to be served a copy of such notice on each owner of land within said proposed district, residing in any county in which any lands in

said proposed district are situated, either personally or by leaving a copy thereof at his last usual place of abode, with a person of suitable age and discretion to whom its contents shall be explained and (3) by publishing a copy thereof at least once a week for three successive weeks in some newspaper published in each county from which any part of the district is proposed to be taken. If there be no newspaper in any such county such notice may be published in a newspaper published in an adjoining county. Such notice shall state (1) in what court said petition is filed, (2) state briefly the starting points, routes and termini of said drains, ditches and levees, (3) give a general description of the proposed work, (4) give the proposed boundaries of said district (or a general description of all of the lands in said proposed district), (5) give the name proposed for said drainage district and (6) shall also state the time and place by the court fixed, when and where the petitioners will ask a hearing on said petition. If any of the owners of land in said district are non-residents of the county or counties in which the proposed district lies, the petition shall be accompanied by an affidavit giving the names and post office address of such non-residents, if such are known, and if unknown shall state that, upon diligent inquiry their names or post office addresses (whichever may be the fact) cannot be ascertained. The clerk of the court shall mail a copy of the notice aforesaid to each of said non-resident owners whose post office address is known, within six days after the first publication of the same. The certificate of the clerk of the court, or other public officer, or the affidavit of any other person who knows the facts, affixed to a copy of said notice, shall be sufficient evidence of the posting, serving, mailing or publication thereof. Personal service of said notice on (or service by leaving at the last usual place of abode of) all owners of lands or easements or interest in lands within said district shall give the court complete jurisdiction, without posting, publication or mailing of said notice.

Special notice; jurisdiction of court. SECTION 3. If it shall be found, before the hearing on a petition for the organization of a drainage district, that one or more owners of land in said district have not been duly served with notice of hearing on said petition the court, or presiding judge, shall not thereby lose jurisdiction. The court or presiding judge in such case shall adjourn the hearing, make an order directing the serving of said notice upon said land owner and fixing the time and manner of service of such notice, which notice shall notify him to appear

at said adjourned time and place and be heard on said petition. Said notice shall be served personally or by leaving at the last usual place of abode of said unserved owners as in section two of this act provided not less than eight days before said adjourned hearing, or published not less than fourteen days before said adjourned hearing, in some newspaper published in the county, in which said owners' lands lie, or if no newspaper be published in said county, then in some newspaper published in an adjoining county. Upon the adjourned day the same proceedings, adjournments, trial, findings and orders may be had as in case of complete service of notice in the first instance. In case of failure to mail said notice as herein required, the court or judge may order the same mailed later and shall adjourn said hearing so that said notice shall be mailed at least fourteen days before said adjourned hearing. In case of failure to publish or post notice, as in this act required, the court or judge may adjourn said hearing for sufficient time to permit the due posting and publication of said notice, and order said notice posted or published as in section one hereof directed. In case of adjournment to permit notice to be given the notice shall state the fact of such adjournment and the time and place of such hearing pursuant to said adjournment.

Ground of contest; appointment of commissioners. SECTION 4. On the day fixed for hearing on such petition all parties owning lands, or any interest or easement in land, within said proposed district, or who would be affected thereby, may appear and contest (1) the sufficiency of the petition, (2) the sufficiency of the signers of the petition, (3) the sufficiency of the notice, (4) the constitutionality of the law and (5) the jurisdiction of the court, specifying their objections to such jurisdiction; and the petitioners and contestants may, on the trial, offer any competent evidence in regard thereto. All notices of contest shall be in writing and shall clearly specify the grounds of contest. The court shall hear and determine whether or not the petition contains the signatures of a majority of the adult owners of lands within the said proposed district who are of lawful age, and who represent one-third in area of the lands proposed to be affected by said work, or the signatures of the adult owners of more than one-half of such lands and shall determine all questions of law arising on said contest. The circuit court in which such petition shall be filed, or the judge thereof, may adjourn the hearing on said petition from time to time for want of sufficient notice, or to give time to prepare for trial, or for

other good cause. The affidavit of any three or more of the signers of said petition stating that they have examined it and are acquainted with the locality of said district and that said petition is signed by a sufficient number of adult owners of lands in said district, to satisfy section one of this chapter, may be taken by the court or judge as *prima facie** evidence of the facts therein stated. And the affidavit of any petitioner or other land owner before such court, or represented before the court, giving the age of such affiant and his or her ownership of such lands, to be named therein by proper description, shall be sufficient evidence to the court of such facts. All deeds made for the purpose of establishing or defeating the prayer of said petition, and not made in good faith and for a valuable consideration, shall be taken and held to be a fraud, and the holders thereof shall not be considered as the owners of the land described therein. If the court or presiding judge thereof, after hearing any and all competent evidence that may be offered for and against the said petition, shall find that the same has not been signed as herein required, the said petition shall be dismissed at the cost of the petitioners, and judgment shall be entered against said petitioners for the amount of said costs. But if it shall appear that the petition has been so signed, the court or judge shall so find, and order any necessary amendments thereto, and shall appoint three suitable, competent persons as commissioners, and fix their preliminary bond. If the district is situated in two or more counties not more than two of said commissioners shall reside in any one of said counties. Ownership of land within the district shall not disqualify a person from acting as a commissioner.

Powers and duties of commissioners. SECTION 5. Before entering upon their duties such commissioners shall take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin, to faithfully and impartially discharge their duties as such commissioners and to render a true account of their doings to the court by which they are appointed whenever required by law or the order of the court, and shall execute a bond running to the clerk of said court and his successors in office as obligees, to be filed with said clerk for the benefit of the parties interested, in an amount to be fixed by the court or presiding judge, and with sureties to be approved by the court or presiding judge, conditioned for the faithful discharge of their duties as such commissioners and the faithful accounting for and application of all moneys which shall come into their hands as such commissioners. A majority

*Printed in italics in enrolled act.

shall constitute a quorum and a concurrence of a majority in any matter within their duties shall be sufficient to its determination. The commissioners first appointed shall hold their office until the first Tuesday in the second succeeding July following the date of the order organizing such district and until their respective successors are qualified. All commissioners appointed after the first board, excepting those appointed to fill vacancies, shall hold their respective offices for the term of two years and until their respective successors are qualified. Appointments to fill expired terms in the office of drainage commissioner shall be made by the presiding judge of the circuit court of the county having jurisdiction of the drainage district at the court house therein on the first Tuesday of July in each succeeding year or as soon thereafter as possible. Vacancies in the board may be filled by such judge at any time, the commissioners appointed to hold for the residue of the unexpired term. The removal of any commissioner from the county or counties in which lands of such district are situated shall render his office vacant. The commissioners shall keep an accurate record of all moneys collected on account of the work under their charge and of all payments made by them, and shall take vouchers for such payments and shall keep full, accurate and true minutes of all their proceedings. On the first Tuesday of July each year they shall file in the office of the clerk of the court having jurisdiction of the matter an itemized statement of all their receipts and disbursements, and leave said report in such office for examination by parties interested at all times. They shall receive for their services $3.50 per day and their actual reasonable expenses. They shall at all times be under the control and direction of the court or presiding judge, and shall obey its or his directions; for failure so to do they shall forfeit their compensation and be dealt with summarily as for contempt. Suit may also be brought upon their bonds, in the name of the clerk of the court, and the amount recovered shall be applied to the construction of the work or to the party injured, as justice may require.

Report of commissioners. SECTION 6. Within ten days after said commissioners shall be appointed and qualified they shall meet and organize by electing one of their number secretary, and as soon as may be thereafter, they shall personally examine the lands in said district and make a preliminary report to the court, which report shall state:

(1) Whether said proposed work is necessary, or would be of utility in carrying out the purposes of the petition.

(2) Whether the proposed work would promote the public health.

(3) Whether the proposed work would promote the public welfare.

(4) Whether the total benefits from said proposed work will exceed the cost thereof together with the damages resulting therefrom; and in arriving at this they shall include all benefits and all damages resulting therefrom both within and without said district.

(5) Said commissioners shall in said report fix as near as may be and report to the court the boundaries of said proposed drainage district. Said boundaries shall not be so changed from those in the petition described as to deprive the court of jurisdiction by reason of not having on the petition the required number of signers owning land within said changed boundaries.

If said proposed work, as in the petition described, is not best suited to carry out the purposes of the petition the commissioners shall consider and base their report upon the one best suited to carry out those purposes and propose to the court the one by them considered.

Action on report. SECTION 7. Upon the filing of the preliminary report the court or the presiding judge thereof shall by order fix a time and place when and where the same shall be heard at some general or special term of said court, not less than thirty days from the filing of said report. Notice of the time and place of hearing upon said preliminary report shall be given to all interested persons by publishing a brief notice of the filing of said report, including a brief statement of the substance of said report in one or more newspapers published in each county in which any land in said proposed drainage district shall be situated (or if no newspaper is published in said county, in one or more newspapers in an adjoining county) once in each week for three successive weeks prior to the day appointed for hearing thereon. Said notice shall describe all lands by said report included in said district, which were not included therein by the petition, and state that such lands are to be included in said district, and shall describe all lands excluded from said district which were by the petition included therein and shall state that such lands are to be excluded from said district. Upon the day fixed for hearing upon said report, said court may adjourn said hearing for good cause or may proceed to hear, try and determine all issues arising upon said report. Any interested party may appear and remonstrate against said report or any material

part thereof. All remonstrances shall be in writing, be verified on oath, be filed at least five days before the day fixed for hearing, and shall set forth the facts upon which they are based. When lands are added to the district the owners thereof shall be served with said notice as provided for service of notice of hearing on the petition. All issues arising upon said preliminary report shall be tried by the court without a jury. If the court shall find in favor of the remonstrance or if said report be that the proposed work will not promote the public health, and will not promote the public welfare or that the benefits from said proposed work will not exceed the damages and cost of construction, and no remonstrance against said report is filed, the petition shall be dismissed and the costs taxed against the petitioners and judgment entered therefor as in section 11 hereinafter provided. But if the preliminary report be that the benefits of said proposed work (or work by the commissioners proposed) will exceed the damages and the cost of construction and that the public health will be promoted thereby, or that the public welfare will be promoted thereby, and no remonstrance thereto is filed, or if on the trial of the issues made on said report the court finds that the benefits will exceed the damages and the cost of construction, and that the public health or the public welfare will be promoted by said proposed work, the court shall make and file such findings in writing and make an order confirming said report, or directing amendment of the report to conform to the findings of said court. And when so amended the court shall by order confirm the same, and direct said commissioners to proceed with said work with all convenient speed. Said findings and order shall be final and conclusive unless appealed from to the supreme court within thirty days after filing thereof. Upon entering of such order of confirmation of said preliminary report of record, said drainage district shall be, and is hereby declared to be organized as a drainage district, by the name mentioned in said petition or such other name as the court shall fix, with the boundaries fixed by the order confirming the report of said commissioners, to be a body corporate by said name fixed in said order, with the right to sue and be sued, to adopt and use a seal, and to have perpetual succession. The commissioners appointed as aforesaid and their successors in office shall, from the entry of such order of confirmation, constitute the corporate authority of said drainage district, and shall exercise the functions conferred on them by law, and do all things and perform all acts necessary to the construction and preservation of the proposed work. All proceedings herein re-

quired, prior to the entry of such order of confirmation of record, shall be deemed to be and are hereby declared to be necessary to the formation of said body corporate, but any defect therein falling within the purview of any curative provision herein contained may be cured thereunder.

Commissioners to make second report; data. SECTION 8. As soon as may be after the confirmation of the said preliminary report, or within such time as the court may direct, said commissioners shall proceed to have all necessary levels taken and surveys made, and shall lay out said proposed work, make a map thereof and plans, profiles and other specifications thereof, and report in writing to the court:

First: Whether the starting point, routes and termini of the proposed work and the proposed location thereof, as in the petition contained, are in all respects proper and feasible, and if not, shall report such as are most proper and feasible.

Second: If it be found necessary to change the boundaries of said proposed district, as by them previously fixed, they shall report said proposed change, and if possible, shall report the names, residences and post office addresses of the owner or owners of all lands affected by said change in boundaries, but no such change in boundaries shall be made as to deprive the court of jurisdiction; provided, however, that if the owners of lands adjacent to the district petition to have their lands brought into the district such may be considered the same as original petitioners in making changes in boundaries.

Third: What lands within the district, as by them reported will be injured by the proposed work, if any, and they shall therein award to each tract, lot, easement or interest by whomsoever held, the amount of damages which they shall determine will be caused to the same by the proposed work.

Fourth: What lands within the district as by them reported will be benefited by the proposed work and they shall assess against each tract, lot and easement by whomsoever held the amount of benefits which they determine will be caused to the same by the proposed work. The benefits so assessed are herein referred to as "assessment of benefits."

Fifth: They shall also determine and report to the court the total amount, as near as they can determine, that said proposed work will cost, which cost shall include all incidental expenses, the reasonable cost of organizing said district, the costs of proceeding and all probable damage to lands, both within and

without the district, together with a reasonable attorney fee for the petitioners, which cost will hereinafter be referred to as "cost of construction." If the cost of construction of any particular part of the work so proposed to be done should be assessed upon any particular tract or tracts, lot or lots of land, or upon any corporation or corporations, the commissioners shall so specify and in their report they shall fix and determine the sums which should be assessed against said tracts, lots and corporations and assess such sum against said tracts, lots and corporations, and if any corporation would in the judgment of said commissioners derive special benefits from the whole or any part of such proposed work, the commissioners, shall so report and assess those benefits and assess against the same its proportionate share of the costs of said proposed work. The word "corporation" wherever in this act contained, shall be construed to include (1) railroad companies, (2) other private corporations of all kinds, (3) towns, (4) cities, (5) villages and (6) other drainage districts. They shall apportion and assess the part of this "cost of construction" not assessed as above, against the several benefited tracts, lots and easements in said drainage district, in proportion to the benefits which they have assessed against the same, by setting down opposite each tract, lot or easement, the sum which they assess agaisnt the same for construction. The assessments which together make up the cost of construction as above defined are herein referred to as "assessments for construction."

Sixth: The commissioners shall further report to the court the probable cost of keeping said proposed work in repair after it is completed.

Seventh: In case the purpose of the petition is repairing, enlarging or maintaining a drain, ditch, levee or other work heretofore constructed under any law of this state, it shall be the duty of the commissioners to examine said drain, ditch, levee or other work, and the land intended to be reclaimed or benefited thereby and to report to the court: (a) Whether in their opinion, said levee, drain or ditch, with proper enlargement or repair can be made sufficient to protect permanently said lands from overflow or to drain the same; (b) the probable annual expense of keeping the same in repair; (c) what lands will be benefited thereby, giving accurate description by government or smaller subdivisions, the names of the owners when known, and the cost of all necessary work, with all incidental expenses, and an assessment of such cost on each tract, lot or easement, which assessment shall be apportioned on the

actual benefits to the same. And if any particular part of such cost should be assessed upon any particular tract or lot, they shall so specify, and if any corporation derive a public or special benefit from such work they shall so determine, and report and assess such corporation its equitable portion of such cost; (d) whether the aggregate amount of such cost will exceed the benefits resulting to the lands and interests assessed; (e) whether the proposed district will embrace all of the lands that may be benefited by the enlargement, repair or maintenance of said levee, drain or ditch, and if not, what additional lands will be so affected.

Eighth: They shall include in their said report, said map, plans and other specifications, and file the same with their report.

The commissioners shall not be confined to the points of commencement, routes or termini of the drains or ditches, or the number, extent or size of the same, or the location, plan or extent of any levee, ditch or other work as proposed by the petitioners, but shall locate, design, lay out and plan the same in such manner as to them shall seem best to promote the public health or welfare and to drain or to protect the lands of the parties interested with the least damage and greatest benefit to all lands affected thereby. And any plan proposed by the commissioners, may, on the application of any person interested, on the hearing hereinafter provided for, or on the application of the commissioners, be altered by the court, by written order, in such manner as shall appear to the court to be just. If the commissioners find that the proposed district as described in the petition filed will not embrace all of the lands that will be benefited by the proposed work or that it will include lands that will not be benefited and are not necessary to be included in said district for any purpose, they shall extend or contract the boundaries of the proposed district so as to include or to exclude all such lands as the case may be; and the boundaries adopted and reported by them may, upon the hearing of their report as hereinafter provided, upon their application or that of any person interested, be altered by the court in such manner as shall appear to be just; provided, that the alteration of boundaries as aforesaid shall not have the effect of so far enlarging or contracting the proposed district as to render such petition void or dismissable. Said report shall be filed with the clerk of the court.

Notice of hearing on remonstrances; how given. SECTION 9. Upon the filing of said report the court shall make and enter an

order fixing the time and place when and where all persons interested may appear and remonstrate against the confirmation thereof, and the clerk of said court shall cause notice of the time and place of such hearing to be given to all parties interested, which notice shall contain a brief description of the lands benefited and damaged, together with the net damage awarded to the several tracts, parcels, easements and corporations to which damages are awarded, and the sum in each case assessed for construction against said several benefited parcels, tracts, easements and corporations. Said notice shall be published for at least three successive weeks, prior to the day set for the hearing in one newspaper published in each county in which said lands, or any part thereof within said district are situate, (and if no newspaper is published in said county, in some newspaper in an adjoining county) and by serving a copy of such notice on each of the persons, or corporations by said report recommended to be assessed or whose lands are by said report recommended to be included in said district and who resides in any of the counties out of which the proposed district is formed, at least twenty days before the day of hearing in the same manner that a summons is required to be served by the provisions of sections 2636 and 2637 of the statutes of 1898; provided, that absence of any such person from said county and the fact that he has no member of his family of suitable age and discretion at his usual place of abode with whom a copy can be left, shall excuse service as in said sections 2636 and 2637 required, whereupon due publication of said notice shall be sufficient service upon him. In case the lands are situated in more than one county the notice published in the county wherein the court having jurisdiction is situated shall contain a description of all the lands in said proposed district the damages awarded to the several parcels thereof and amounts assessed for construction against the several parcels thereof, but the notice published in any other county or counties may contain a description of only the lands situate in said county for which said publication is made together with the damages awarded to and assessments for construction against the several tracts, parcels, easements and interests situate in said county for which publication is made. In case of service of said notice as provided in said sections 2636 and 2637, on all owners of land within the district, said service shall be sufficient and give the court jurisdiction without said publication.

Remonstrance, form of; hearing by court. SECTION 10. Any owner of lands or any easement or interest therein within said

district or any person or corporation affected by the proposed work may appear on the day set for hearing on said report and remonstrance against the whole or any part of the proposed work or any change of the boundaries. Such remonstrance shall be verified by affidavit and shall set forth the objections of the affiant, whether they go to the jurisdiction of the commissioners or the court, or whether they rest on any other fact, as that some lands or corporations are assessed too high or too low or improperly, or that lands are assessed which ought not to be assessed, or that lands or corporations should be assessed which are not assessed, or that damages allowed to any parcel, tract or easement in land, or to any corporation are excessive, or that the plans for said proposed work should be changed, or that the boundaries of said district should be altered so as to include or exclude certain lands, or any persons or corporations to whom damages are allowed may remonstrate because they are inadequate. The circuit court for said county or the presiding judge thereof may fix a time at any term of court or appoint a special term for hearing the remonstrants and, on demand of any person or corporation assessed for benefits or awarded damages, may frame issues in said matter, impanel a jury and take its verdict upon the trial of such issues (1) whether the amount of damages awarded by the commissioners to any remonstrant is excessive or is inadequate and (2) whether the assessment of benefits to any remonstrant, demanding the review by a jury, is too high or too low and the jury may award and assess the same. All other issues arising on any remonstrance, except those of benefits and damages shall be tried by the court. If the court finds that the report requires modification the same may by order of the court be referred back to the commissioners, who may be required to modify it in any respect. In any case between the commissioners and any remonstrant, the court may award and apportion the cost. Costs awarded against the commissioners shall not go against them personally but shall be paid out of the funds realized from the assessments for construction. If the finding as to such new parties be against the validity of the proceedings, the same, unless the defect be cured, shall be dismissed as to such parties at the cost of the district and judgment entered for costs in favor of such new parties. If there be no remonstrance, or if the finding be in favor of the validity of the proceedings, or after the report shall have been modified to conform to the findings, the court shall confirm the report and the order of confirmation shall be final and conclusive, the proposed

work shall be established and authorized, and the proposed assessments approved and confirmed unless within thirty days an appeal be taken to the supreme court. The said order of confirmation shall also fix the commissioners' bond. Said order of confirmation may, at the same or at any subsequent term of said court, be revised, modified or changed, in whole or in part, on petition of the commissioners, after such notice as the court may require, to parties adversely interested. At any time prior to making the order confirming said report or thereafter the court may permit the commissioners to present and file a supplemental report, or amend their report, as to any matter which, pursuant to the provisions hereof, was or might have been included in the original report presented by them, and after reasonable notice given to all parties interested, in such manner as the court shall direct, the court may, upon the hearing in said matter make such order as the case may require.

Judgment; expenses, payment of. SECTION 11. In case the petition or proceedings are dismissed as provided in sections 4, 7 or 27 hereof, a judgment shall be entered against the petitioners and in favor of the commissioners for the costs, expenses and liabilities incurred in said proceedings, but for the benefit of those who have rendered services or advanced money in the prosecution of said proceedings, or have recovered costs on successful contests therein. Before any such judgment is entered, said commissioners shall file with the clerk of the circuit court in which said proceedings were instituted an itemized statement of such costs and expenses, duly verified, upon which an order shall issue requiring said petitioners to show cause before said court, at a time and place named, why judgment should not be entered against said petitioners for the amount of said costs and expenses. Notice of the hearing on said order to show cause shall be given to said petitioners, by mailing to each a copy thereof, to their last known post office address, at least twenty days prior to the time set for hearing, and by publication of the same in one or more newspapers published in the county, where the proceedings are pending, at least three successive weeks prior to the day set for such hearing. Said notice need not contain an itemized statement of said account. All petitioners shall, among themselves, contribute in the payment of said judgment, in proportion to the number of acres of land they have within the boundaries of the proposed district at the time of filing of said petition.

Assessments, how paid. SECTION 12. At the time of confirmation of such assessments, it shall be competent for the court to order the assessment for construction of new work to be paid in not more than fifteen installments of such amounts and at such times as will be convenient for the accomplishment of the proposed work, or for the payment of the principal and interest of such notes or bonds of said district as the court shall grant authority to issue, for the construction of new work. The court may also by such order fix a date on which the first installment of the assessments for construction shall become due, not more than five years after the date of the order, and each of said installments shall draw interest from the date of said order. Unless otherwise provided by said order, such assessment shall be payable at once; and from the time of the entry of said order, and the filing of notice thereof with the register of deeds, assessments for construction of new work and additional assessments and interest thereon shall be a lien upon the lands assessed until paid. Any owner of land, or any corporation assessed for construction, may at any time within thirty days after the confirmation of said report, pay into court the amount of the assessment against his land or any tract thereof or against any such corporation. Said payment shall relieve said lands from the lien of said assessment and said corporation from all liability on said assessment.

Assessments, when due; limit of. SECTION 13. Assessments for keeping any drain, ditch, levee or other work in repair under these provisions shall be due and payable on the first Tuesday of September annually. Commissioners having charge of any completed drain, ditch, levee or other work, shall, on the first Tuesday of June in each year, file with the clerk of the court having jurisdiction, a report in which they shall specify in detail, the labor necessary to the preservation and protection of the work under their control, the places where repairs are specially needed and the sum to be assessed against each tract, lot, easement or corporation to pay all necessary repairs. No notice of the filing of such report shall be necessary. All such assessments shall be apportioned on the last assessments of benefits confirmed by the court. Within thirty days after filing such annual report, at a time and place to be fixed by the court or presiding judge, the court or presiding judge shall examine said report, hear all objections to the same, fix and determine the amount of such assessments and cause such adjudication to be entered of record in said court, and a certified copy of the

same to be delivered to said commissioners. The amount to be collected under the order of said court for the preservation and maintenance of said work as aforesaid shall not, in the aggregate, amount in any one year to a sum greater than would be produced by a levy of thirty cents per acre on the lands benefited.

Unpaid assessments, how collected. SECTION 14. In all cases after assessments for construction are confirmed by the court, the commissioners shall within twenty days after such confirmation give notice of the entry of the order of confirmation and of the time when and the place where the assessments may be paid, by publication thereof for at least two successive weeks in one or more newspapers published in the county where the proceedings are pending. If assessments against lands are not paid when due they shall certify the same to the clerk of the town, city or village in which the delinquent lands are situated, as due and unpaid for such work, and such clerk shall enter the same in the tax roll of such town, city or village next thereafter to be made against the land benefited, but in a separate column thereof and the same shall be collected in the same manner in which state, county and town taxes are collected, except only that the personal property of natural persons and all lands other than those against which the assessment shall have been made shall not beliable to seizure and sale therefor.

Sale of lands for assessments, manner of. SECTION 15. Such assessments as are not paid to the commissioners or to the town, city or village treasurer shall be returned by the town, city or village treasurer to the county treasurer in the same manner and at the same time as delinquent taxes, but separately therefrom. The county treasurer shall advertise the same in his lists of lands to be sold for unpaid taxes, and unless paid to him prior to the tax sale he shall sell said lands for the taxes and drainage assessments against the same, treating said drainage assessments the same as unpaid taxes but keeping them separate from the taxes on his record. When he issues certificates of sale of land for taxes and drainage assessments he shall issue a separate certificate for the amount of drainage assessments on the said land. No extra advertising or sale fee shall be added to the certificate of sale for drainage assessment when the land was at the same time sold for drainage assessments as well as for taxes. In case the tax on any land shall be paid and the drainage assessment not paid, said county treasurer shall proceed to sell said land for drainage assessment or assessments in the same

manner in which he would proceed if the taxes thereon were unpaid. The tax certificate and the drainage assessment certificate on the same land may be assigned separately or together, but at the public sale they shall be offered and sold together. After the expiration of three years from the issuing of said certificate a deed shall issue upon any certificate of sale for unpaid drainage assessment, in the same manner and upon the same notice or affidavit of non-occupancy now required for the issuance of tax deeds, which deeds shall be in form substantially the same as tax deeds; provided that no such drainage assessment deed shall cut off or adversely affect any drainage assessment or installment of any assessment falling due after the assessment or installment on which such deed issued, or shall cut off or adversely affect any additional assessment or assessments for repairs that may thereafter be made or fall due. No tax deed shall cut off any drainage assessment, nor shall any drainage assessment deed cut off any tax. The rules of law applying to the collection of taxes and sale of land for taxes, shall, unless in conflict with this act, apply to the collection of and sale of lands for drainage assessments, except that said drainage assessment certificates shall draw ten per cent interest annually. When commissioners shall fail to certify to the town, city or village clerk of the proper town, city or village any one or more drainage assessments for construction or repair or additional assessment against any lands in said district at the proper time, they may certify the same to the town, city or village clerk at any time thereafter, whether in the same or any subsequent year.

Orders confirming assessments, how reported; liens. SECTION 16. Immediately after the entry of any order confirming any assessment for construction or additional assessment the clerk of the court shall make out and certify to the register of deeds in each county where assessed lands are situated, a true copy of the lists of the lands in said county assessed, and the sum assessed against each tract or parcel thereof, or easement therein, and said register shall thereupon enter such order of record and the same shall be notice of the lien of said assessments to all persons. The lien of said assessments shall date from the filing of such certified list with the register of deeds. The register of deeds shall record such certificate and list with him filed, and shall receive the usual fees therefor.

Interest, how collected. SECTION 17. If assessments for the construction of new work shall be payable in installments, each

installment shall draw interest at the rate of six per cent per annum from the date of the order fixing and affirming the assessment until paid, interest payable annually, and in case said interest is not paid when due, its collection shall be enforced in the same manner as are assessments for construction.

Powers of commissioners. SECTION 18. When duly qualified the commissioners may do any and all necessary acts in and about the surveying, laying out, constructing, repairing, altering, enlarging, cleaning, protecting and maintaining any ditch, drain, levee or other work for which they shall have been appointed, including constructing all necessary bridges, crossings, embankments, protections, dams and lateral drains, clearing out and removing obstructions from natural or artificial channels or streams within or beyond the limits of the drainage district, procuring, purchasing or condemning under proceedings similar to the proceedings had under the awarding of damages hereunder, riparian rights, rights of flowage and water powers, and for those purposes may use any moneys in their hands arising from assessments.

Right to go upon land authorized. SECTION 18a. The commissioners, their agents, servants and employes shall have the right to go upon all lands along any drain, ditch, levee or embankment in their district to inspect, deepen, widen and repair the same whenever necessary, doing no unnecessary damage, and shall not be liable for trespass therefor.

Railway right of way. SECTION 19. Said commissioners shall have the right to lay out and construct all necessary drains, ditches and levees across any railway right of way or yards in their district and any railway company whose right of way or yards crosses the line of any proposed drain, ditch or levee shall open its right of way or yards and permit such drain, ditch or levee to cross the same, as soon as said drain, ditch or levee is constructed to such right of way. Every drainage district shall be liable to the railway company whose right of way or yard any of its drains, ditches or levees crosses for the reasonable cost of the culverts and bridges made necessary by said drain, ditch or levee crossing said right of way or yards, but not of more expensive character than the average other culverts and bridges on said division of railway crossing streams or ditches of approximately the same width and depth and within a hundred miles of said district ditches. Upon receiving fifteen

days' notice in writing any railway company across whose right of way or yard any such drain, ditch or levee is laid out shall open its right of way or yards and permit said commissioners and their contractors, agents and employes to construct said drain, ditch or levee across said right of way or yards. For every day that said railway company fails, after the end of said fifteen days, to open their said right of way or yard as hereinbefore required, it shall forfeit twenty-five dollars to said drainage district, to be collected in an action as other forfeitures are collected or set off against any damages that have been awarded to such company. If said railway company fails to open its right of way or yard along the line of said drainage district, drain, ditch or levee, the commissioners may, at any time after the expiration of said fifteen days, open such right of way and yards along the lines of said drains, ditches and levees and construct the same.

Additional assessments; may borrow money or issue bonds. SECTION 20. If in the first assessment for construction the commissioners shall have reported to the court a smaller sum than is needed to complete the work of construction, or if in any year an additional sum is necessary to pay the interest on lawful indebtedness of said drainage district, further or additional assessments on the lands and corporations benefited, proportioned on the last assessment of benefits which has been approved by the court, shall be made by the commissioners of said drainage district under the order of the court or presiding judge thereof without notice, which further or additional assessment may be made payable in installments as specified in section 12 hereof, and shall be treated and collected in the same manner as the original assessments for construction confirmed by the court, in said drainage district. The commissioners of said drainage district shall have the same power to borrow money or issue notes or bonds based upon such further or additional assessments herein provided for that is given them by section 23 of this act.

Erroneous assessments, how corrected. SECTION 21. Omission to assess benefits, or to assess for construction, or to make additional assessment, or to make assessment for repairs, or to award damages to any one or more tracts of land or easements in a drainage district. or to assess benefits, or to assess for construction, or to assess for repairs, or to make additional assessments against any corporation which should have been assessed,

shall neither affect the jurisdiction of the court to confirm the report nor to render the benefits assessed, or the assessments for construction, or additional assessments, or assessments for repairs against other lands, or assessment against any corporation voidable, but the commissioners of said drainage district shall thereafter, as soon as they discover the omission, or as soon as notified thereof, either agree with the omitted parties upon the proper assessments and awards of damage or assess such benefits, make such assessments for construction and make such additional assessments against the omitted lands and corporations and award such damages as shall be just and report the facts together with such assessments and awards to the court. The court shall thereupon by order fix a time and place of hearing on such report and therein specify what notice shall be served on the owner or owners of said lands or said corporation, and the time and manner of serving the same. The owner of said lands or easements therein or any such owners or corporations affected, may file a verified written remonstrance against the confirmation thereof, because said assessment is too high or award of damages is too low, which remonstrance shall set forth the facts on which the remonstrant relies as provided in section 10 of this act. The issues arising on such report and remonstrance shall be made up and tried as provided in section 10 hereof. If said failure to assess benefits, assess for construction, make additional assessments, or assess for repairs, or award damages, is brought to the court's attention prior to the confirmation of the report in which the failure occurs, the court shall adjourn the hearing thereon until the omitted lands and corporations are assessed and are served with the notice which the court may order served. This section shall be retroactive and shall apply to failures to assess benefits, failures to assess for construction, failures to assess for repairs, failures to make additional assessments and failures to award damages heretofore in any drainage district occurring. In case of omission to make additional assessments for construction assessed pursuant to section 20 hereof, no notice of such assessment to supply such omission shall be necessary, or trial had thereon.

Void assessments; exempt lands. SECTION 22. Any owner of land or any interest in land within a drainage district who claims that his land in said district is exempt from liability for, or lien of, any assessment for construction or repairs or any additional assessment by said commissioners levied against the same, whether said assessment be the first or any subsequent

assessment, or questions the legality of such assessment, may, at any time, on ten days' notice, or order to show cause, be brought before the court having jurisdiction, and required to show cause why said land should not be bound by all drainage district assessments in any report or reports of the commissioners of said district assessed against the same. The presumption shall be in favor of the regularity of such assessments and they shall stand as valid assessments unless the owner of such land or some interest therein shall show that said assessment is inequitable, or is void because the lands were not subject to assessment in the first instance. On the return day of said notice, or order to show cause, the said owner shall in writing, verified on oath, state the facts on which his claim is based. If he fails to appear and set forth such facts, upon the filing of the proof of service of such notice or order to show cause upon him, when notice is necessary, an order shall be made by the court confirming such assessment or assessments, which order shall be final and conclusive unless appealed from to the supreme court within thirty days. The court may adjourn the hearing on said return day and thereafter, and if on the return day, or adjourned day, a trial is found necessary the court shall fix the time and place of trial and frame all necessary issues as provided in section ten hereof. In case the court decides that such lands could not, at the time said assessments were made, be assessed for drainage purposes, and that said assessment or assessments are void, the commissioners shall levy an additional assessment on all of the assessable lands and corporations in said district, based on the last assessment of benefits approved by the court, to pay the sum lost to the district by reason of the void assessment, or shall pay said sum out of the general funds of said district.

Power to borrow money conferred. SECTION 23. The commissioners may borrow money, not exceeding the amount of assessments for construction, additional assessments and assessments for repairs unpaid at the time of borrowing, for the construction or repair of any work which they shall be authorized to construct or repair, or for the payment of any indebtedness they may have lawfully incurred, and may secure the same by notes or bonds bearing interest at a rate not to exceed six per cent per annum, and not running beyond one year after the last installment of the assessment, on the account of which the money is borrowed, shall fall due; which notes or bonds shall not be held to make the commissioners personally liable, but shall constitute a lien upon the assessments for the repayment of

the principal and interest of such notes or bonds; and the court may, on the petition of the commissioners, authorize them to refund any lawful indebtedness of the district by taking up and canceling all of its oustanding notes and bonds as fast as they become due, or before, if the holders thereof will surrender the same, and issuing in lieu thereof new notes or bonds of such district payable in such longer time as the court sall deem proper, not to exceed in the aggregate the amount of all notes and bonds of the district then outstanding and the unpaid accrued interest thereon, and bearing interest not exceeding six per cent per annum; and the court may, on the petition of the commissioners, order that the collection of any installment of assessments be postponed to such time as the court may deem proper and reasonable.

Bids; work, how let; no graft. SECTION 24. In all cases where the work to be done at any one time under the direction of the commissioners shall, in their opinion, cost to exceed five hundred dollars the same shall be let to the lowest responsible bidder, and the commissioners shall advertise for sealed bids by notice published in some newspaper published in the county in which the petition is filed, and may advertise in one or more newspapers published elsewhere. If there be no newspaper published in the county in which the petition is filed, they shall advertise in some newspaper published in an adoining county, which said notice shall particularly set forth the time and place when and where the bids advertised for will be opened, the kind of work to be let and the terms of payment. Said commissioners may continue the letting from time to time, if in their judgment the same shall be necessary, and shall reserve the right to reject any and all bids; and they shall not, during their term of office, be interested directly or indirectly, in any contract for the construction of any drain, ditch, levee or other work in such drainage district, or in the sale of materials therefor, or in the wages of or supplies for men or teams employed on any such work in said district.

Damages, how awarded. SECTION 25. The damages allowed to the owners of lands shall be paid or tendered before the commissioners shall be authorized to enter upon the lands, for damage to which the award is made, for the construction of any drains, ditches or levees proposed thereon. If the owner is unknown or there shall be a contest in regard to the ownership of the lands, or the owner will not receive payment, or there exists

a mortgage or other lien against the same, or the commissioners cannot for any other reason safely pay him, they may deposit the said damages with the clerk of the court, for the benefit of the owner, or parties interested, to be paid or distributed as the court shall direct, and such payment shall have the same effect as the tender to and acceptance of the damages awarded by the true owner of the land. This section shall not, however, prevent said commissioners, their agents, servants and employes going upon said lands to do any and all work found necessary prior to making their assessment of benefits and award of damages, and the trial on their report thereof.

Drainage of enclosed lands; damages and benefits, how apportioned. SECTION 26. When any person or persons owning lands within the district shall present to the commissioners of any organized drainage district an affidavit satisfying such commissioners that he, or they own real estate (describing the same) within said drainage district, and that the same needs drainage and is shut off from access to any public drain (or that, by reason of the slope of the land it is impractical for him or them to drain said real estate to a public drain touching the same) without crossing the lands of other owners, and that he, or they, cannot purchase from the owner or owners of the lands lying between his and their lands and the public drain, to which his or their lands must be drained, a right of way for a private drain thereto, over or along or through the lands of such other owners along a practicable route, or that said right of way cannot be purchased except at an exorbitant price, stating the lowest price for which the same can be purchased, and asking that a drain be laid out from affiant's lands, to a public drain, the said commissioners shall fix a time and place of hearing upon said application, and within thirty days after the filing of said affidavit, shall give notice of the time and place of meeting therefor, by posting notice thereof in three public places in said drainage district at least ten days before the time fixed for hearing thereon, and by serving said notices at least five days before such hearing on the occupants of all the lands through or along which such drain may pass, and upon the owners of said lands, if such owners reside within the district. Such notice shall be served personally or by leaving a copy thereof at the usual place of abode of each occupant, and each owner of said lands, residing in said district, across, through or along which lands it is proposed to lay out such drain. At the time and place fixed by said notice said commissioners shall meet, and if

the facts set out in said application are true and they decide that a drain is necessary, they shall by order lay out said drain as a public drain, and shall assess the benefits which said drain will be to the lands across or along which the same shall be laid, and other lands in the district benefited thereby, and determine and award the damages to said several tracts by reason of the construction of said drain and assess the cost of construction of the same to the benefited lands. Said assessments, determination and award shall be in writing and shall specify the benefits or damages, which they determine that said drain will cause to said several tracts of lands, and each easement therein, across or along which the same sall be laid out. Said order, assessment and determination they shall file and record in their office. Said affiant shall cause notice of said assessment and determination to be served upon each occupant of assessed land and lands across or along which said drain shall be laid, and upon each owner who resides in said district, in the same manner as the previous notice is herein required to be served, within ten days after the making of said order laying out the said drain. The order laying out said drain shall describe the same by describing the line along which the same sall be laid, and give the slope of sides of the same, grades, depths and width of same, and the width of berme thereof. Said order shall be final unless appealed from to the circuit court having jurisdiction of the district, within thirty days after the service of said last notice. Written sworn proof of the service of said several notices shall be filed in the office of the clerk of said court. A copy of said order shall be filed in the office of the clerk of the court within thirty days after the said order is made. Said commissioners shall determine the cost of the said drain; which cost shall include the damages awarded to the properties through or along which said drain shall be laid, together with cost of constructing the same, and all preliminary costs necessary to the laying out of the same, together with the filing fees of the register of deeds. Within eight months after the time for appeal from the order laying out said drain is past, the owner or owners filing said affidavit shall deposit with said commissioners the cost of said drain as by them determined, whereupon said commissioners shall construct said drain, and the same shall become a public drain and part of the system of drains of said drainage district. In case the assessment of benefits against the lands or any easement or interest therein across or along which said drain is laid, shall exceed the damages thereto and no appeal is taken from the said determination of said commissioners (or on appeal

benefits are confirmed) and said cost of said drain is deposited with said commissioners as herein required, said commissioners shall file with the register of deeds of said county a certified statement of their order laying out said drain and of such assessment of benefits, and the lands against which the same are assessed, setting down to each tract the sum assessed against the same, and the register of deeds shall record the same, and thereupon said assessments shall become liens upon said several parcels, tracts and easements in said lands, against which they are assessed. Unless said assessments for constructon are paid to said commissioners within one year from the making of said order they shall certify the same to the clerk of said town, the same as an original assessment, to be collected as are other assessments against said lands, by placing the same upon the tax roll of said town. When collected and paid to said commissioners said commissioners shall pay the same to the party or parties who paid for the construction of said drain his or their heirs, personal representatives or assigns in the proportion in which said party or parties originally paid the same. In case two or more persons file said affidavit asking for a drain to be used by them in common, the cost of said drain shall be apportioned to said owners in proportion to the assessment of benefits then in force against their lands benefited thereby. When practicable said drains herein provided for shall be laid out and constructed on the side of public highways.

Drainage of contiguous lands. SECTION 27. Whenever owners of land contiguous to any drainage district formed under these provisions may desire to be admitted to the benefits of said district, they shall file in the office of the clerk of the court having jurisdiction of such district, a petition signed by more than one-half of the adult owners of lands in said new territory which said signers shall represent more than one-third of the lands in said proposed extension or addition, or signed by the owners of more than one-ralf of the lands in said new territory, together with a description of the lands which they desire admitted to said district, and the names of the owners so far as the same are known or can be ascertained, with a plat showing the original district and the proposed new territory. Upon the filing of such petition the court or judge thereof shall by order fix a time and place of hearing thereon before the court at some general or special term or before the presiding judge thereof and direct that notice of the time and place of such hearing be served upon all of the owners of such lands as are sought to be

admitted to the benefits of said district in the same manner that notice is required to be served on land owners by section two of this act. At the time and place fixed for a hearing on said petition any interested party may appear and contest the prayer of the petition, (1) because insufficient in form or substance, (2) because it has not the required number of signers. The same proofs of ownership may be accepted as provided in section four hereof. If the court or judge shall find said petition insufficient in form or substance the same may be amended. If the court shall find that the petition, including all copies thereof filed prior to hearing thereon, has not the required number of signers the petition shall be dismissed and judgment for costs entered against the petitioners. But if the court or judge finds the petition is in substance sufficient, or if it is amended so that it is in substance sufficient, and also finds that it has a sufficient number of signers the court or judge shall make such findings in writing and refer the petition to the commissioners of the district to which it is sought to admit the new territory. Said hearing may be adjourned to obtain other signers, serve notice on unserved land owners or for other good cause. Said commissioners shall, as soon as possible after said petition is referred to them, examine said lands and make report on them to the court:

First: Whether the public health will be promoted by the proposed work.

Second: Whether the public welfare will be promoted by the proposed work, and

Third: Whether the benefits will exceed the damages and cost of construction of the proposed work.

Said commissioners shall, as soon as possible, file said report with the court. Similar notice shall be given thereon, similar proceedings and hearings had thereon and similar findings made thereon as on the preliminary report provided for in sections six and seven hereof. If the court shall find that the public health will be promoted or the public welfare will be promoted by the proposed work and that the benefits will exceed the damages and cost of construction, the court shall make written findings of those facts and order that said lands, or so much thereof as the court shall direct, be admitted to the benefits of the original drainage district, and it shall thereafter be a part of the original drainage district and the lands therein shall thereafter be chargeable with assessments for the preservation, repair and maintenance of the works in said district in the same manner as are the lands in the original district. After the confirma-

tion of said preliminary report, said commissioners shall proceed substantially as provided in section eight hereof. In fixing the first assessment for construction on such new territory the commissioners shall, in addition to the cost of whatever work must necessarily be done therein, to place such lands on the same footing as to drainage facilities as that enjoyed by the lands in the original district, assess thereon such further sum as will make the amount to be paid on account of each acre of said lands in said new territory equal to the amount paid for the original drainage work of the same kind on account of each acre of the original drainage district similarly situated. If no land in said district is similarly situated, they shall assess thereon such further sum as shall be equitable, which shall be apportioned upon the benefits to such lands in all cases. The additional amount so received shall be held by the commissioners for the benefit of the entire drainage district. Upon filing the report assessing benefits, assessing for construction and awarding damages in the matter of such addition, the same notice shall be served and proceedings had as in case of the report in an original district assessing benefits, assessing for construction and awarding damages. The several orders confirming said reports shall be final and conclusive unless appealed from to the supreme court within thirty days after the rendering and entry thereof. The provisions of this section shall apply to proceedings now pending for the addition of new territory to any drainage district unless the court order such proceedings to proceed under section 1379—28 of the statutes of 1898 until completed.

Benefited lands, how brought into district. SECTION 28. Whenever any lands outside a drainage district are receiving the benefits of the drains of said district, by direct or indirect, natural or artificial connection therewith, the commissioners of said district may report said facts to the court and ask that said lands, describing them, be brought into said district and assessed for the benefits by them received from the drains, ditches or levees of said district. Upon the filing of said report the court shall order the owners of such lands to be notified of the filing of said report and the contents thereof, and shall require such owners to show cause at a time and place therein, fixed not less than twenty days thereafter, why their said lands should not be brought into said district and assessed for said benefits. At the time and place fixed for hearing said report any of said land owners may appear and remonstrate

against the confirmation of said report. All remonstrances shall be in writing, verified and shall set forth the facts on which they are based. All issues arising on said report shall be tried by the court without a jury. If the court shall find that said lands or any of them are receiving the benefits of any such drain, ditch or levee the court shall so find in writing and shall order said lands to be annexed to and made a part of said district, and benefits to be assessed against the same by the commissioners of said district. Said order shall be final and conclusive unless appealed from to the supreme court within thirty days from the date of entry thereof. Said commissioners shall, after the time for appeal is past, assess against each parcel, tract and easement of and in said annexed lands, reasonable and just benefits, and shall assess against said lands for construction and repairs such sum as shall be just. If lands similarly situated and benefited are found in said district the annexed lands shall be assessed a like sum of benefits and damages as said lands in the said district to which they are sought to be annexed, and a sum for construction of said work which shall be equal to all sums assessed for the complete construction of the drainage system in the district to which they are sought to be annexed against lands having the same assessment of benefits in said district. The commissioners shall file their said report and assessments in court. The court shall by order require said owners to show cause at a time and place therein fixed, not less than twenty days after the service of said order, why said report and assessments should not be confirmed. And on the hearing on said order to show cause if a jury trial is demanded the court shall frame issues on benefits and damages and empanel a jury or adjourn the hearing thereon until some term of court when a jury is in attendance and take the verdict of a jury on such issues. All other issues arising on said report shall be tried by the court. The court shall order all necessary amendments of said report and make written findings of fact and when said report is amended shall by order confirm the same. Said order of confirmation shall be final and conclusive unless appealed from to the supreme court within thirty days from the entry thereof.

Guardian ad litem, how appointed. SECTION 29. In all proceedings in this act provided for, the court shall appoint some reputable attorney as guardian *ad litem** to represent all infants and incompetent persons interested in said proposed work. In case the interests of such infants or incompetents shall appear

*Printed in italics throughout the section in the enrolled act.

to the court to be adverse to each other the court shall appoint as many different attorneys to be guardian *ad litem* as the circumstances of the case may require. The attorneys so appointed shall appear for and represent their wards in all matters connected with said proceedings and shall be paid such sums as the court may fix out of the moneys in the hands of the commissioners. In case of failure to serve notice upon an infant or incompetent, or assess his or her lands or award them damages in the first instance, said infant or incompetent may be brought into court under the various curative sections of this act, a guardian *ad litem* appointed and the same proceedings had as in case of a competent person. In case of failure to appoint a guardian *ad litem* for any interested infant or incompetent in the first instance, upon that fact becoming known to the court either before or after the hearing, the court may order the infant or incompetent served with a proper notice, a guardian *ad litem* appointed, and proceed as if a guardian *ad litem* had been appointed in the first instance, and if judgment be already rendered may order the infant or incompetent and his guardian *ad litem* to show cause why the lands of said infant or incompetent should not be bound by all orders, findings and judgments theretofore made in said matter.

Damages to lands outside district. SECTION 30. The lands embraced in any such drainage district shall be liable for any and all damages that result to lands lying outside of its boundaries because of the work done in said district. The word "damages" in this section shall be construed to mean such damages and only such damages as could be recovered against natural persons for like injury, resulting from like work. Such damages may be agreed upon between the commissioners and the damaged party subject to the approval of the court, or may be recovered in an action at law.

Conflict between districts, how avoided. SECTION 31. The boundaries of such drainage district shall in no manner conflict with any other drainage district above it or below it, and if through the construction of any proposed ditch, drain or levee increased cost shall be entailed upon a lower district in providing means to carry off the water or remove the sediment flowing from the higher district, the lands in the higher district shall be liable for such increased cost. The amount of such increased cost may be agreed upon between the commissioners of said districts subject to the approval of the court, or may be recovered in an action at law between said districts.

Divided ownership of single tracts; easements. SECTION 32. In case any tract of land in a drainage district assessed for benefits as a single tract is divided in ownership, the commissioners of said drainage district shall apportion the sum to be collected in any year thereafter for construction, additional assessments or repair against said tract in such manner as shall be just and equitable between the several divisions of the divided tract. In case of easements granted in any tract of land, when such easement should bear any portion of said assessment for construction, repair, or additional assessment, the commissioners shall each year, apportion the amount of said assessment to be collected that year justly between the owner of the dominant and servient estates.

Resignations; vacancies. SECTION 33. Any commissioner may resign to the court having jurisdiction over his district and said court may accept his resignation and appoint his successor, who shall serve out the unexpired term of the resigned commissioner. The court shall by appointment fill all vacancies in said commission, however occurring.

Court supervision. SECTION 34. The court shall at all times have supervision of said commissioners, and may at any time require them to make a report on any matter or matters connected with their duties as commissioners, and after due hearing may remove from office any or all of said commissioners for neglect of duty or malfeasance in office or for other good cause. The court or presiding judge may at any time require the commissioners to give new bonds to the clerk of the court and may fix the amount thereof, and said bonds shall be submitted to the court or the presiding judge thereof for approval.

Districts previously organized. SECTION 35. Where drainage districts are in process of organization under the statutes as they have heretofore existed said organization shall be perfected under the laws as they heretofore existed, unless the court otherwise order, but after said organization is completed and corporate authority acquired under said statutes, all further proceedings shall be had under this act where there is any section of this act to apply to such proceedings. All drainage districts heretofore organized under sections of law hereby repealed shall, after the passage hereof, be governed by this act; but nothing herein contained shall in any way render more difficult of collection any bonds or notes by said districts issued.

Assessments against cities, villages and towns. SECTION 36. Whenever any assessment is made and confirmed against any city, village or town, the sum to be paid by said city, village or town shall be by the clerk of the court at the request of the commissioners, certified to the clerk of said city, village or town, and by said clerk placed upon the next tax roll of said city, village or town among and as part of the taxes to be collected that year, provided that whenever the sum assessed for construction or additional assessment against any city, village or town exceeds one per centum of the assessed value of the property in said city, village or town for the last previous assessment for taxation, as by its assessor and board of review fixed, the court shall, by order, direct that said assessment for construction against said city, village or town be paid in installments. Said installments, except the last, shall each be one per cent of the assessed value of the city, village or town for the year of collection, but not less in any year than one per cent of the assessed value of said city, village or town for the year on which said first installment is computed, and each installment shall bear interest at the rate of six per cent per annum from the date of the entry of the order of confirmation, interest payable annually.

Assessments against lands of corporations, how collected. SECTION 37. Each and every sum assessed for construction, for additional assessment or for repairs against any land or against any corporation, as soon as such assessment is confirmed by the court, shall be and is declared to be a judgment of the circuit court in favor of said drainage district and against said land or corporation, and unless some other method of collection is herein provided shall be collected in the same manner as any other money judgment is collected, provided that whenever said assessment is a lien upon land it shall only be collected out of said land on which it is a lien.

Bridges and grades, how constructed. SECTION 38. The commissioners shall in the first instance construct all bridges and grades on highways that exist across their drains, ditches or levees prior to or at the time of the construction of their drains, ditches or levees. The town in which any drain, ditch or levee shall be crossed by any highway constructed afterward shall build all necessary bridges and grades. Said town shall maintain and repair all bridges and grades made necessary by any drain, ditch or levee dug or constructed by the

commissioners of any drainage district to which this act shall apply.

Petition after five years; re-assessment. SECTION 39. At any time after the expiration of five years from the confirmation of the report of the commissioners provided for in section ten hereof, upon petition of one-fourth of the owners of the lands within a drainage district or of the owners of one-fourth of the lands within said district, setting forth that said original assessment of benefits is inequitable and unjust, the court shall direct the commissioners of such drainage district to re-assess the lands of said district for benefits. On such re-assessments the benefits to said lands shall be assessed according to the actual benefits, without reference to whether, in the original report, they were assessed for benefits or awarded damages. The commissioners shall report said re-assessment to the court, which shall order a hearing thereon. Notice of said hearing shall be given as in the case of original assessment of benefits. The issues thereon shall be made up and tried as provided in section ten of this act. The court shall, on the hearing upon their report hereunder, make an order confirming the same or directing how the same shall be modified and when so modified shall confirm the same. All assessments for construction, additional assessments and assessments for repair shall be based on the latest assessment of benefits by the court confirmed. All assessments for construction shall be levied and assessed against the lands and corporations assessed in proportion to the benefits specified in the report on which said assessment is based. No bonds or other money obligations issued by any drainage district shall be adversely affected by any subsequent change in assessments of benefits.

Commissioners designated public officers; burden of proof. SECTION 40. Commissioners of drainage districts are hereby declared to be public officers. The presumption shall be in favor of the regularity and validity of all their official acts. Whenever any report of the commissioners of any drainage district or any part of any such report is contested, remonstrated against or called in question the burden of proof shall rest upon the contestant, remonstrant or questioner.

Notice, how waived; agreements authorized. SECTION 41. In case of failure to serve any notice of any proceeding or hearing in this chapter provided for, upon any person or cor-

poration, such person or corporation may appear in open court and waive such defect of service, or may waive it by filing in court or delivering to the commissioners of the drainage district to be filed in court a written waiver of such defect, in which waiver said defect shall be described; which waiver shall be signed by such party and witnessed and acknowledged before a proper officer having power to take acknowledgments of deeds. In case of a city the mayor or clerk by direction of the city council shall execute and acknowledge said waiver; in case of a village the president and clerk by direction of the village trustees shall execute and acknowledge said waiver; in case of a town the town board or a majority of the same shall execute and acknowledge said waiver. When said waiver is filed in court it shall have the same effect as due service upon said omitted party would have had in the first instance. In case of omission to assess any corporation or land that should be assessed for benefits, or construction, or repair, or additional assessment, or to award damages, said omitted party and the owner of omitted land may in writing agree with the commissioners of said district what the assessment should be against said land, or against said corporation, or what said damages should be and such agreement shall be acknowledged and witnessed as provided above for waivers, and be filed in the court and recorded in the office of register of deeds of the county in which said lands lie. The provisions of this section shall be retroactive and apply to drainage districts heretofore organized, and those now in process of organization as well as to districts organized under this act.

Liens, how satisfied. SECTION 42. When any assessment for construction, or additional assessment, or any installment thereof, or any assessment for repairs shall have been fully paid, on demand of any interested party and presentation of a receipt showing that said assessment or installment has been paid, said commissioners shall, in writing, under seal of their said drainage district, satisfy the lien of said assessment. Said satisfaction shall be witnessed and acknowledged so as to entitle it to record and may be recorded in the office of the register of deeds of the county in which said lands or any of them lie. Said commissioners shall keep in their office a complete record of the assessed lands and the assessments against the same and shall on said record mark "paid" any and all assessments and installments that are paid, whether to them or to the town treasurer or county treasurer.

Powers to sell or purchase lands for drainage purposes authorized. SECTION 43. Section 1379—32 of the statutes of 1898 is hereby amended so as to read as follows: Section 1379—32. Whenever it shall become necessary for any corporation organized under the laws of this state for the purpose of constructing, maintaining and operating drains, ditches, canals or the like for the drainage and for reclaiming wet, submerged, overflowed and swamp lands, in order to promote the public health or welfare, to acquire any real estate for the purpose of constructing, maintaining or operating any canals, drains, ditches or the like it may *purchase the same with the approval of the court, or* may acquire such real estate in the manner hereinafter provided.

How construed. SECTION 44. The provisions of section one to section forty-three inclusive of this act shall be liberally construed to promote the public health and welfare by reclaiming wet or overflowed lands, building embankments or levees and the preservation of any system of drainage heretofore constructed according to law. The collection of any assessments for construction made by the commissioners and confirmed by the court shall not be restrained or obstructed by reason of any omission, imperfection or defect in the organization of any district or in any proceedings occurring prior to the order confirming the assessments of benefits, but such order shall be conclusive as to the regularity of all proceedings relating to the assessments of benefits unless appealed from within thirty days after the entry of such order. Nothing in said sections shall be construed as repealing or modifying any general or private law relating to the drainage or reclamation of swamp, wet or overflowed lands or any law relating to the preservation of any work thereunder or as affecting any proceedings had or to be had thereunder, except as in section forty-five hereof provided. The provisions of section 3187a of the statutes of 1898 are declared not to apply to proceedings regulating the organization and powers of drainage districts.

Pending suits or proceedings. SECTION 45. Except where necessary to the completion of the organization of drainage districts now in process of organization as in section thirty-five provided, and to the making additions thereto under section twenty-seven hereof, the following statutes are hereby repealed: Of the statutes of 1898, sections 1379—11, 1379—12, 1379—13, 1379—14, 1379—15, 1379—16, 1379—17, 1379—18,

1379—19, 1379—20, 1379—21, 1379—22, 1379—23, 1379—24, 1379—25, 1379—26, 1379—27, 1379—28, 1379—30, chapter 43 of the laws of 1901, chapter 50 of the laws of 1901, chapter 70 of the laws of 1903, chapter 116 of the laws of 1903. Where any suit or proceeding shall be pending to determine the validity of any proceeding heretofore had, or which shall have been prosecuted to judgment adverse to such proceedings under the provisions of the statutes in this section mentioned, the provisions of this act shall not apply or in any way affect.

SECTION 46. Except as otherwise in this act provided this act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 307, A.] [Published June 23, 1905.

CHAPTER 420.

AN ACT empowering the state board of health to determine the qualifications necessary to examine and license persons qualified to practice the art of embalming and to regulate the practice of embalming dead human bodies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Embalmers' license. SECTION 1. The state board of health is hereby authorized and empowered to determine the qualifications necessary to enable any person to properly embalm dead human bodies and disinfect the premises. The said board, or some member thereof, shall examine all applicants for an embalmer's license and shall issue an embalmer's license to all persons who successfully pass such examination. No person shall embalm any dead human body, unless he or she shall hold a valid, unrevoked and unexpired license from the Wisconsin state board of health authorizing him to practice the art of embalming.

Examination, when held. SECTION 2. Embalmer's examination shall be held at least once a year at such times and places as the said board may designate.

Qualifications required. SECTION 3. No person shall be granted a license under this act, who has not practiced embalming dead human bodies for at least six months, or shall have had at least six months practical instruction in embalming and disinfecting under a licensed embalmer.

Each application for an embalmer's license shall be made in writing on blanks prescribed by the state board of health, and filed with the secretary of said board, and shall be accompanied with a fee of five dollars ($5.00), and proof that the applicant is a person of good moral character, and of the age of twenty-one years or over.

Licenses, how issued. SECTION 4. The license shall be signed by the president and secretary of the state board of health and the seal of the board affixed thereto. No license shall be issued or renewed for a period exceeding one year.

Renewals. SECTION 5. Any person holding an embalmer's license under this act may have the same renewed, for not to exceed one year, by making and filing with the secretary of said board an application therefor within thirty days preceding the expiration of his or her license, upon blanks prescribed by the said board and upon payment of one dollar ($1.00) renewal fee; provided, however, that any person neglecting or failing to have his license renewed as above, may have the same renewed by making application therefor within thirty days after date of expiration, and upon payment of two dollars ($2.00) revival and renewal fees.

Record of embalmers; notices, how given. SECTION 6. The secretary of the state board of health shall keep a record, in which shall be registered the name and business address of every person to whom an embalmer's license has been granted, and the number and date of each license and the date of each renewal thereof. In the month of January of each and every year, the secretary of said board shall supply each licensed embalmer, and the various transportation companies within this state, with a list of all embalmers holding licenses, then in force, giving the names of said persons, their business address and the number of their license. The secretary of the board shall mail notices to all unlicensed undertakers in this state known to him, at least fifteen days before any embalmer's examination is to be held, advising them of the time and place where such examination is to be conducted. It shall be the duty of the secretary

of the state board of health to prepare under the direction of said board, and cause to be printed, all blanks required by this act to be presented by the state board of health. The secretary of said board shall, at least ten days prior to the expiration of any license, mail a notice to such holder of license about to expire under this act advising him to that effect, and enclose him therewith a blank application for renewal thereof. The secretary of said board shall also mail a notice to each holder of a license under this act that has not been renewed in accord to the foregoing provisions, advising him of the expiration of his license, and the penalty for embalming dead human bodies without holding a license and the condition and terms upon which his license may be revived and renewed. All notices required to be mailed by provisions of this act shall be directed to the last known post office address of the party to whom the notice is sent.

Fees. SECTION 7. The secretary of the state board of health shall keep a record of all fees received and expenses paid under this act and make a report thereof at the January and June meetings of said board. The fees collected by the state board of health shall be used to defray the expenses incurred by said board in following the provisions of this act and enforcing the same.

Penalty. SECTION 8. Any person who shall be guilty of the violation of any of the provisions of this act, or who shall violate any rule or regulation prescribed by said board, for the preparation, embalming, shipping, or burial of any dead human body, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars or imprisonment in the county jail not less than ten days nor more than sixty days.

District attorney to prosecute. SECTION 9. It shall be the duty of the district attorney of the county in which violation occurs, to prosecute all persons who violate the provisions of this act.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 330, A.] [Published June 23, 1905.

CHAPTER 421.

AN ACT to amend section 1 of chapter 205, of the laws of 1901, entitled "An act to amend section 1 of chapter 317 of the laws of 1899 entitled 'An act to provide for the increase of the members comprising school district boards in certain cases.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When membership of board may be increased; vacancies, how filled. SECTION 1. Section 1 of chapter 205 of the laws of 1901 is hereby amended so as to read as follows: Section 1. Any school district containing within its boundaries a city in which a high school is maintained and which expends annually in the maintenance of its schools a sum exceeding four thousand dollars, may, upon determining so to do by the vote of the electors present, at any annual school meeting held in such school district, have a district board comprising seven members which shall be known as the school board of the city, comprising in whole or in part such district, three of whom shall be the director, treasurer and clerk, as now provided by law, who shall each discharge the separate duties now imposed upon him by law, and shall be elected and hold office for the term now provided by law, *and no two of whom shall be residents of the same ward in such city until each ward therein shall have at least one member on such board. Where such school district and city are identical in territory, the members of said district board shall be chosen one from each ward of such city in the order in which the wards are numbered until the full number is chosen; provided, that in case such city have fewer than seven wards additional member or members shall be chosen from the district-at-large; and, provided further, that in school districts having school boards elected under and pursuant to section 1 of chapter 317 of the laws of Wisconsin for 1899 or under said act as amended by chapter 205 of the laws of Wisconsin for 1901, members of such boards, including those chosen to fill vacancies, shall be chosen from wards not represented as herein provided until such representation shall be fully established, provided the*

electors of such school districts decide at any annual meeting to adopt the provisions of this act. Removal by a member of such board from the ward from which he was chosen shall create a vacancy. And all directors, clerks and treasurers now in office in such districts, shall continue in their respective offices during the full term for which they were elected. The remaining four members of such district board, shall be elected as school district officers are now required to be elected, at the annual school meeting which may adopt this act; two of said four shall be elected for the period of one year and the remaining two for the period of two years and until their successors have been elected or appointed. At every succeeding annual school meeting in such district there shall be elected in additon to a director, clerk or treasurer, as the case may be, two of such additional members of such board, who shall hold their office for two years and until their successors are elected or appointed. In case of vacancies in the said board, such vacancies shall be filled as now provided for filling vacancies in district boards, *the members so chosen to hold until the next annual district* meeting * * *. Such school boards shall exercise all the powers, and discharge all the duties now imposed upon the district boards of such districts. Regular meetings of said board shall be held, and special meetings thereof may be called upon request of any three members of such board to the clerk, who shall thereupon, at last twenty-four hours before such special meeting is held, give written notice thereof to the remaining members of the board.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 353, A.] [Published June 23, 1905.

CHAPTER 422.

AN ACT empowering and requiring the Wisconsin State Board of Medical Examiners to refuse to grant licenses or certificates or registration to persons guilty of immoral, dishonorable or unprofessional conduct, and empowering the courts to revoke and annul any license or certificate issued to any person guilty of immoral, dishonorable or unprofessional conduct, or fraud or perjury in connection with obtaining such license or certificate, or through error.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License, refusal of when authorized. SECTION 1. It is hereby made the duty of the Wisconsin State Board of Medical Examiners to refuse to license or grant a certificate of registration to any person guilty of immoral, dishonorable or unprofessional conduct. The circuit courts of this state are hereby vested with jurisdiction and power to revoke and annul any license or certificate of registration which has been heretofore or which may be hereafter issued to any person to practice medicine or surgery, or osteopathy in this state, who is guilty of immoral, dishonorable or unprofessional conduct, after the passage of this act or who has procured such license or certificate of registration by fraud or perjury, or where the same was obtained through error. Upon a verified complaint in writing being made by any person to the district attorney of any county charging any person holding such license or certificate with having, in said county, been guilty of any immoral, dishonorable or unprofessional conduct, as defined in this act, or with having procured such certificate or license by fraud or perjury, or through error, said district attorney shall commence and prosecute an action in the circuit court of said county against the person so complained against, to revoke and annul such license or certificate of such person. Such action shall be commenced and prosecuted as a civil action in the name of the state of Wisconsin as plaintiff, and against such person complained against as defendant, and the rules of pleading, evidence and practice in civil actions in the circuit court shall be applicable thereto, and either party may appeal from the circuit court to the supreme court as in

other civil actions. Either party to said action may demand a jury trial, and the defendant shall have the right to be represented by counsel and the court may appoint counsel to assist the district attorney in the prosecution of such action. The costs of such prosecution shall be paid by the county in which said action is brought. If, upon the trial of such action, the court finds or the jury returns a verdict in favor of the plaintiff, judgment shall be rendered revoking and annulling such license and certificate of the defendant, and the clerk of the circuit court shall forthwith cause a certified copy of such judgment to be sent to the secretary of the Wisconsin State Board of Medical Examiners to be filed for record in the office of said secretary. Any person whose license or certificate has been revoked under the provisions of this act, who shall thereafter practice or offer or attempt to practice medicine, surgery or osteopathy in this state, shall be punished as provide in chapter 426 of the laws of 1903. No person shall be excused or privileged from testifying fully under oath or producing evidence, documentary or otherwise, in any action, proceeding or examination brought under the provisions of this act; but no person shall be prosecuted or subjected to any penalty for or on account of any transaction, matter, or thing, concerning which such person may so testify or produce evidence, documentary or otherwise, except for perjury committed in giving such testimony. If the court before which the trial is had shall determine that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making such complaint for the costs of such action, and payment of the same may be enforced by execution against the body of such complainant as in tort actions.

Immoral, dishonorable, unprofessional conduct defined. SECTION 2. The words "immoral, dishonorable or unprofessional conduct" as used in section one of this act are hereby declared to mean: First, procuring, aiding or abetting a criminal abortion; second, advertising, either in his own name or in the name of another person, firm, association or corporation, in any newspaper, pamphlet or other written or printed paper or document, in an obscene manner or in a manner derogatory to good morals the curing of venereal diseases, the restoration of "lost manhood," or the advertising of any medicine or any means whereby the monthly periods of women can be regulated or the menses re-established, if suppressed, or being employed

by or in the service of any person, firm, association or corporation so advertising; third, the obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured; fourth, wilfully betraying a professional secret; fifth, indulging in the drug habit; sixth, conviction of any offense involving moral turpitude.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 534, A.] [Published June 23, 1905.

CHAPTER 423.

AN ACT to create a municipal court in the city of Beloit in Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Municipal court established. SECTION 1. There is hereby established a municipal court in the city of Beloit, in Rock county, to be known as the municipal court of the city of Beloit, and to be open for business at the beginning of the term of office of the judge to be elected as herein provided.

It shall be a court of record and have a clerk and a seal, the former to be appointed and the latter to be procured by the judge.

In this act, it is referred to as *the court,** its judge as *the judge*, and its clerk as *the clerk*, to distinguish it and them from other courts, judges, and clerks mentioned.

Qualifications and powers of judge. SECTION 2. The election of *the judge* shall be by the duly qualified electors of said county. His term of office shall be six years, and begin on the first Monday in May next succeeding his election.

The first election of *the judge* shall be held on the first Tuesday of April, 1906, and shall be conducted the same as other judicial elections.

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*The words printed in italics in this chapter are so printed in the enrolled act.

No person shall be eligible to election or appointment to the office of *the judge* unless he be a duly qualified elector of said county and an attorney-at-law duly admitted to practice in the supreme court of this state.

In case of a vacancy the governor shall appoint *the judge*, and such appointee shall serve until an election be held in the manner provided in section 94s of the statutes of 1898.

The judge of said court may be removed from office in the manner provided for the removal of circuit judges.

The judge shall have the powers and be authorized to perform the duties of a court commissioner.

Salary. SECTION 3. The salary of *the judge* shall be fixed by the county board at its meeting in November, 1905.

Bond of judge, how conditioned. SECTION 4. Before entering upon the duties of his office, *the judge* shall give a bond to Rock county in the sum of twenty-five hundred dollars, conditioned substantially as is the bond of the clerk of the circuit court and to the city of Beloit in a like sum conditioned substantially as is the bond of the clerk of said city, both of said bonds to be further conditioned so as to make *the judge* responsible for any and all official default and misconduct of *the clerk of the court*, the sureties on said bonds to be approved by the chairman of the county board and the common council of the city of Beloit, respectively.

Oaths of office. SECTION 5. Before entering upon the duties of his office, *the judge* and *the clerk* shall each take and subscribe in duplicate the constitutional oath of office, one copy of which oath shall be filed in the office of the clerk of the circuit court for Rock county, and one copy in the office of the clerk of the city of Beloit.

Duties of clerk; bond; salary. SECTION 6. *The clerk* shall make and keep the records of *the court*, authenticate its acts under its seal, as are the acts of the circuit court, and perform such ministerial duties as the nature of his office and the order of *the judge* may require.

In the absence of the judge, the clerk shall have power to direct bail, administer oaths, and examine persons applying for warrants, reduce their examination to writing and file the same and issue warrants or other process from *the court*.

The clerk shall procure such supplies and perform such duties

with reference to the care of the books, blanks, and other property, and the room occupied by *the court*, as *the judge* in writing may direct.

The clerk shall also keep under the direction of *the judge* separate dockets, for criminal and civil proceedings and actions.

Before entering upon the duties of his office, *the clerk* shall give a bond to said county in the form and condition substantially the same as the bond given by the clerk of the circuit court in the amount and with such sureties as *the judge* shall approve, which bond shall be filed with the clerk of the circuit court.

The clerk shall be subject to removal by *the judge*.

The salary of *the clerk* shall be fixed by the county board.

Stenographic reporter; compensation; oath of. SECTION 7. *The judge* may appoint in writing a stenographic reporter to serve at his pleasure, who shall attend trials and examinations and take the testimony when require by *the judge*, and his compensation shall be fixed by the county board.

In any actions tried in *the court* by which the testimony shall be taken by such reporter the stenographic notes of the reporter may be filed by *the judge* as the testimony in the case, but no costs therefor shall be taxed in the judgment. In case of an appeal from the judgment rendered in a civil action, *the judge* shall not be required to return to the appellate court any testimony other than the transcribed notes of the stenographer.

Before entering upon the duties of his office the stenographer shall take and subscribe the constitutional oath and file the same with *the judge*.

Section 2439 of the statutes of 1898 shall govern *the court* and said stenographer.

Court where held. SECTION 8. *The court* shall be held in the city of Beloit in a suitable place, to be provided by the common council of said city.

Jurisdiction of court. SECTION 9. *The court* shall have exclusive jurisdiction in all prosecutions and proceedings relating to the violation of any ordinance or by-law of the city of Beloit.

The provisions of the charter and ordinances of the city of Beloit relating to the police court or to criminal prosecutions shall apply to *the court*, except when the same are in conflict with this act.

The court shall be opened each morning by *the judge,* Sundays and legal holidays excepted, and thereupon, in a summary way, he shall hear and dispose of all actions or proceedings which shall be brought before him by the police officers of the city of Beloit, or otherwise, either with or without process, for the violation of the ordinances and by-laws of said city. In such actions or proceedings the forms heretofore used and followed in the police court of said city, except as modified by *the judge,* shall be used, and in every such case, the city attorney shall be the prosecuting officer.

Duty of district attorney. SECTION 10. In criminal actions wherein the state is a party, the district attorney of Rock county shall file the informations and conduct all the proceedings.

Attendance of witnesses. SECTION 11. *The judge* in his discretion may summon and compel the attendance of witnesses before him, and examine them on oath, in order to determine whether or not he ought to issue a warrant, and in case any witness so summoned refuse to attend or answer pertinent questions relative to the subject of inquiry, he shall be subject to punishment for contempt. The fees and mileage of such witnesses shall be paid as in criminal actions in *the court.*

Jurisdiction of judge; extent of. SECTION 12. *The judge* shall have the jurisdiction and powers of a justice of the peace in civil and criminal actions and proceedings and in actions for bastardy, and the power to hear, try and determine the same, although the title to land may come into question therein.

Processes and procedure. SECTION 13. The processes and procedure in *the court* with relation to matters within the jurisdiction of a justice of the peace shall be issued and conducted as in justices' courts.

Concurrent jurisdiction, when. SECTION 14. Except as to any matter arising within the city of Janesville, with relation to which the Municipal Court for Rock county has exclusive jurisdiction, *the court* shall have concurrent jurisdiction with said municipal and circuit courts, to hear, try, and determine any action for bastrady and any criminal action except murder.

Concurrent jurisdiction, when. SECTION 15. *The court* shall have jurisdiction in said county in actions and proceedings at

law, concurrent with the municipal and circuit courts for Rock county, where the debt, damages, demand, penalty, or forfeiture shall not exceed the sum of five hundred dollars, and with the circuit court in the city of Beloit, not exceeding two thousand dollars, if there be personal service.

Statutes and regulations to govern. SECTION 16. In matters both civil and criminal which exceed the jurisdiction of a justice of the peace, the processes and procedure of *the court* shall be governed by the statutes relating to the circuit court and to the rules and practice thereof, except that processes shall be issued by *the judge* or *the clerk*.

In criminal cases process may be executed in any part of the state.

Attachments within jurisdiction. SECTION 17. All classes of property, real estate excepted, which may be attached by actions in the circuit court, may be attached by actions in *the court*, where the amount in controversy is within the jurisdiction of *the court*.

Appeals; jurisdiction. SECTION 18. *The court* shall have jurisdiction concurrent with said municipal and circuit courts to hear, try and determine civil and criminal actions, removed and appealed from justices of the peace. Any action so removed may on the request of the party interposing the plea of title to land be certified to *the court* in the manner in which the same is now certified to said municipal or circuit court; and in the case, either of the removal of an action involving the title to land, or of an appeal, the party interposing the plea of title, or appealing, may designate in his plea, or notice of appeal, whether his action shall be removed or appealed to *the court*, to said municipal court, or to said circuit court.

Actions when to be tried. SECTION 19. Civil actions removed or certified on appeal to *the court* shall stand for trial at the next regular term thereof after the filing of the removal or appeal papers, when terms are held as herein provided, and otherwise upon ten days' notice given by either party to the action; and, if neither party shall bring to trial an action so removed or appealed to *the court* within six months after the filing therein of the return of the justice, such action or appeal shall be dismissed unless a continuance for cause shown be granted by a special order.

Terms of court. SECTION 20. Terms for trials of actions, civil and criminal, not exceeding four terms in any one year, may be appointed by *the judge* by order in writing filed therein. Notices of trial may be served to such terms as in the circuit court.

Venue, changes of. SECTION 21. Changes of venue may be taken from *the court* to the municipal court for Rock county in the manner in which and for the reasons that changes of venue are now taken in justice courts.

In all matters above the jurisdiction of a justice of the peace, the provisions of law relating to changes of venue in the circuit court shall apply and such changes shall be to the circuit court for said county.

If a change of venue be taken on account of the prejudice of *the judge,* he may in his discretion retain the action in *the court* and call upon the judge of the municipal court for Rock county to attend and try said action with the same effect as if the change of venue had been taken, and in such cases, the judge so called in shall receive his disbursements necessarily incurred in attending upon the court, and such compensation as the county board may allow, the same to be audited and paid by the county as are the other expenses of *the court.*

In a criminal case, *the court* shall hold the defendant to bail to appear at the next term of the court to which the venue is changed, and thereupon *the judge* shall transmit to said court the papers and a duly certified copy of the record of the court.

Jury list, how prepared. SECTION 22. The provisions of sections 7 and 8 of chapter 197, laws of 1881 and acts amendatory thereof, shall apply to the juries of *the court,* except that the jury lists shall be prepared from the city of Beloit by the senior aldermen and supervisors of said city.

A person having served as a juror in either *the court* or in said municipal court shall not be again liable to jury duty therein for the space of one year thereafter, except he be summoned on a special venire or as a talesman.

Verdicts; judgments; rulings; orders; power of judge over. SECTION 23. Ten days after judgment in civil actions and for twenty-four hours after judgment in criminal cases, *the judge* shall have and is hereby vested with the same power over verdicts, judgments, rulings, orders and proceedings in *the court,* as are possessed by circuit judges in like cases during the trial

term. He may direct or set aside verdicts, grant new trials upon conditions and modify or reverse judgments and orders according to the general law and practice of the circuit courts.

Transcripts of judgment. SECTION 24. Transcripts of judgments rendered in *the court* may be docketed in the circuit court in like manner and with like effect as to liens as in the case of a transcript from a justice court.

Appeals from, how taken. SECTION 25. Appeals from judgments rendered in *the court* in civil and criminal actions originally commenced therein, except cases commenced by information and bastardy cases, may be taken to the circuit court in the same manner as appeals from justices of the peace in similar actions. Appeals in cases commenced by information, in bastardy cases and in cases removed to *the court,* shall be taken to the supreme court.

Increase of compensation, how authorized. SECTION 26. If, in the judgment of the common council of the city of Beloit, it be necessary in order to promote the efficiency of *the court* to increase the sums allowed by the county board for the salaries of *the judge* and *the clerk,* and for the compensation of the reporter, said council may appropriate annually as additional compensation for *the judge* not to exceed three hundred dollars, for *the clerk* not to exceed two hundred dollars and for the reporter not to exceed one dollar per day for each day of actual employment. The above appropriations are independent of the payments to be made by the city under section 32.

Officers, how constituted. SECTION 27. The city marshal of the city of Beloit, the sheriff and constables of Rock county, and other officers having the same power and authority as the sheriff or constables of said county, shall be officers of *the court,* with the same powers and duties as are now conferred upon them in regard to justice or police courts, and such officers shall receive the same fees for their services as they receive in justice courts.

Janitor. SECTION 28. The judge may also appoint a janitor for *the court* at a compensation to be allowed by the common council of and paid by the city of Beloit.

Fees and costs. SECTION 29. In actions and proceedings cognizable by justices of the peace, costs and fees shall be taxed and allowed as in justice courts, but, in other actions, including removals and appeals from justice courts and proceedings, the statutes, rules, and practice prevailing in the circuit court shall apply as to fees to be allowed and costs taxed.

Record of fees, fines and penalties. SECTION 30. A complete record of all fees, fines, and penalties collected shall be kept in said *court*, and monthly statements thereof rendered to the treasurer of the city of Beloit.

Payment to treasurer. SECTION 31. All fines, penalties, and fees collected by *the court* in both civil and criminal actions shall be paid immediately by *the judge* to the treasurer of the city of Beloit, and at the time of the semi-annual settlements between the city and the county treasurers, provided for in section 32, all fines and penalties collected in criminal actions wherein the state was a party shall be paid to the county treasurer.

City to pay one-half the expense. SECTION 32. On the last secular days of June and December of each year, after *the judge* shall have entered upon the duties of his office, the treasurer of Rock county shall certify to the treasurer of the city of Beloit, the total amount paid by him since the last settlement for salaries, record books, blanks, stationery and other expenses of *the court*, as certified to him by *the judge*, whereupon the treasurer of said city shall forthwith pay to the treasurer of said county one-half of said amount and charge the same to the general fund of said city.

Salaries and expenses, how payable. SECTION 33. The salaries and expenses connected with *the court*, for which the county and city are proportionally liable, shall be paid by the county treasurer quarterly at the end of each quarter; all other expenses of the court chargeable to the city of Beloit alone shall be paid by the city treasurer as are other city expenses.

Substitute judge, how appointed. SECTION 34. *The judge* by order in writing filed in *the court* may appoint a justice of the peace of said district to discharge the duties of his office during his absence, sickness, or other temporary disability. Such order may be revoked by *the judge* at any time. Such appointee,

while administering said office, shall have the powers of *the judge,* except as to trials of informations and appeals and except as to actions and proceedings beyond the jurisdiction of his own office. For his services, five dollars a day shall be deducted from the salary of *the judge* and paid to him, payment to be made at the same time and in the same manner as *the judge's* salary.

How construed. SECTION 35. Nothing in this act shall be construed as in any way affecting the right of jurisdiction of any court, judge, justice of the peace, or police justice, to hear, try, and determine any case now pending in such court, or before said judge, justice of the peace, or police justice, or which may be commenced before *the judge* shall enter upon the duties of his office.

Police court, when abolished. SECTION 36. When *the court* is open for business the police court of the city of Beloit shall be abolished.

SECTION 37. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 38. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 739, A.] [Published June 23, 1905.

CHAPTER 424.

AN ACT to amend sections 12 and 14 of chapter 451 of the laws of 1903, and section 49 of the statutes of 1898, as amended, relating to the time of opening and closing the polls and the pay of clerks and inspectors at elections and primaries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time of opening and closing polls at primaries. SECTION 1. Subdivision 2 of section 12 of chapter 451 of the laws of 1903, is hereby amended so as to read as follows:

2. The time of opening and closing the polls at primaries shall be the same as provided in section 49 of the statutes of 1898, as amended by chapter 72 of the laws of 1899 and chapter 404 of the laws of 1901, and any amendments now or hereafter made thereto.*

Duration of session of inspectors. SECTION 2. Subdivision 7 of section 14 of chapter 451 of the laws of 1903, is hereby amended so as to read as follows:

7. The inspectors shall be in session for the purpose of registration from nine o'clock in the morning until eight o'clock in the evening, except that on the day of holding the primary they shall be in session *during the time the polls are required to be held open. The inspectors and clerks shall receive the same compensation as provided in section 94h of the statutes of 1898, and any amendment now or hereafter made thereto.*

Opening and closing of polls at elections. SECTION 3. Section 49 of the statutes of 1898, as amended by chapter 72 of the laws of 1899 and chapter 404 of the laws of 1901, is hereby amended so as to read as follows: Section 49. The polls of every election in every city of five thousand inhabitants or over, shall be opened at six o'clock in the morning and closed at seven o'clock in the evening of the same day. The polls of the election held in other cities, and in towns and villages on the Tuesday next succeeding the first Monday in November, shall be open at nine o'clock in the forenoon, or as soon thereafter as may be, and close at *five o'clock in the afternoon;* provided that the common council of any city containing less than five thousand inhabitants, the town board of any town or the board of trustees of any village, may by resolution adopted and published in some newspaper in such city, town or village, or in case there be no newspaper published therein, then in some newspaper published in the county in which such city, town or village is located, at least ten days before the *day of* election, fix an earlier hour for the opening of the polls in such city, town or village, not earlier than *six o'clock in the forenoon; and that* cities of less than five thousand inhabitants and . . . . . towns and villages in counties of not less than two hundred thousand inhabitants may, by . . . . . resolution *in like manner, fix the time for opening* the polls not earlier than six o'clock in the *forenoon, and for closing*

*Entire subdivision is rewritten.

not later than seven o'clock in the evening. Inspectors of election shall cause public proclamation to be made *of* the opening and closing of the polls.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 537, S.] [Published June 23, 1905.

CHAPTER 425.

AN ACT to amend chapter 180, laws of 1905, relating to the oath and bond of the commissioner of insurance and the payment of premium where surety bond is given.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance commissioner, oath and bond of. SECTION 1. Section 1967 of the statutes of 1898 as amended by chapter 180, laws of 1905, is hereby amended to read as follows: Section 1967. Before entering upon the duties of his office the commissioner of insurance shall take and subscribe to an oath of office, to be filed with the secretary of state, and execute a bond to the state of Wisconsin in the penal sum of one hundred thousand dollars, with six or more good and sufficient sureties or a surety company, conditioned for the faithful performance of his duties, which bond, when approved by the governor, shall be deposited with the state treasurer, *and in event that the commissioner of insurance elects to give a surety bond as provided herein, the cost of the same shall be borne by the state providing the same does not exceed one fourth of one per cent. per annum on the amount of said bond.* Said commissioner shall have an official seal, and shall conduct or cause to be conducted all examinations of the affairs of insurance corporations that are or may be required by law; and generally shall exercise such supervision and control over insurance companies doing business in this state as the law may require. He shall hold his office in the capitol and be provided with postage, stationery, printing

and office supplies, the expense thereof to be paid out of the state treasury. All reports required to be made by any insurance corporation shall be made to said commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 177, S.] [Published June 23, 1905.

CHAPTER 426.

AN ACT authorizing cities of the first class to provide for the erection and maintenance of auditoriums and music halls by co-operating with private associations or corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Co-operation authorized. SECTION 1. All cities of the first class, whether operating under a general or a special charter, are hereby authorized and empowered to provide for the erection and maintenance of public auditoriums and music halls in the manner provided by this act.

Petition of private parties to aid in. SECTION 2. Whenever any private corporation or voluntary association shall desire to aid in the erection and maintenance of an auditorium or music hall it shall make petition to the common council of the city, in which such auditorium or music hall is to be located, setting forth the character of its organization, the purposes for which it was organized, the amount of its capital stock if it is a stock corporation, the amount subscribed and the amount paid in, the names of its subscribers or stockholders, and if a voluntary association, the names of the members thereof. Such petition shall also state whether it is desired to erect and maintain an auditorium or a music hall, the proposed dimensions, the general plan and estimated cost thereof, and that it is the purpose of the petitioner to join with the city in the erection

and maintenance of the same under and pursuant to the terms and conditions of this act.

Petition, action upon. SECTION 3. Whenever a petition shall be received by the common council complying with the provisions of section 2 the common council may determine by resolution whether the public welfare will be promoted by the erection and maintenance of an institution proposed by the petition, and if it shall be determined that the public welfare will be promoted thereby, then by resolution the common council may agree to join with the petitioner in the erection and maintenance thereof.

Conditions of co-operation. SECTION 4. No resolution shall be passed pursuant to the provisions of section 3 unless the petitioner shall undertake and agree with the common council to provide and furnish as required one-half of the money necessary to erect such institution and shall satisfy the common council that it then has in its treasury, or that it has the ability to secure through its subscriptions for stock, if a corporation, or by obligations of its members, if a voluntary corporation, the money necessary therefor and shall execute to such city a bond in such sum as the common council shall determine and with sureties to be approved by the common council, conditioned that it will furnish its share of such money as the same shall be required for that purpose.

Governing board, how elected. SECTION 5. Whenever the common council shall decide by resolution to join in manner aforesaid in the erection of an auditorium or music hall there shall be created a board which shall have full and complete authority over such institution and in the building and maintenance thereof in the following manner: The association or corporation shall elect from its members or stockholders five members of such board; the first five so elected to hold for the terms of one, two, three, four and five years respectively and annually one member of said board shall be elected to hold for the term of five years. The mayor, city attorney, city comptroller, city treasurer, president of the board of trustees of the public library and president of the board of trustees of the public museum shall be ex-officio members of the said board, so that as thus constituted the said board shall consist of eleven members.

First meeting; organization. SECTION 6. Within ten days after the members of said board shall have been elected or ap-

pointed as aforesaid they shall hold a meeting and shall elect a president, a vice-president, a secretary and a treasurer from their numbers, and the latter shall, immediately upon his election furnish to the board a bond in double the amount of such funds as may come into his hands; and said board as organized shall have full and complete power to purchase or in any manner acquire the real estate necessary for a site or location for the institution to be erected and to erect the same, provided that no work shall be done or materials furnished except upon contract let to the lowest bidder in the same manner that contracts are required to be let by the laws of this state relating to cities of the first class, and shall have full power to rent or lease the said institution or any part therof for stated terms or from time to time as in the judgment of said board shall be advisable.

Payments, how made. SECTION 7. Before any liability shall be incurred by said board it shall by resolution determine the amount of money that is necessary for the purposes aforesaid and thereupon such association or corporation shall pay into the treasury one-half thereof and such city shall pay into the treasury one-half thereof, in such installments as may be required and agreed upon.

Tax levy for, authorized. SECTION 8. Any city availing of the provisions of this act shall have the right to levy a tax upon all the taxable property thereof of not to exceed one-half of one mill per annum and the same shall be a special and separate tax for the exclusive benefit of said fund and may issue and sell bonds for said purpose and provide for the payment of the sam with interest by a special tax levied as aforesaid.

Powers conferred. SECTION 9. The said board shall have full power and authority to advertise for or in any manner obtain plans and specifications for the institution sought to be erected and may in the manner herein defined erect and provide a building with one or more auditoriums, offices, class rooms, studios, music halls, music rooms, gymnasiums, lodge rooms and accommodations for any other industrial, commercial, scientific, educational, fraternal and musical organization and labor associations desiring to use the same for kindred purpose and may fix and establish the rentals and the terms and conditions of leases and do everything whatsoever necessary for the maintenance and operation thereof.

City may convey real estate; stock. SECTION 10. Any city entering into the union herein provided for, or any association becoming a party to any such jointure, may convey to the city any real estate to be used for the site for any such institutions that the said board may decide to accept and for the price agreed upon by the said board; and the title to all property acquired for the purposes aforesaid shall be taken in the name of such city and shall be held by such city perpetually for the purposes aforesaid; provided however that nothing herein contained shall deprive the city of the rights to acquire all the stock of the joint corporation and become the sole owner of said property and any stockholder may transfer such stock owned by him or her to the city by sale, gift or otherwise, and in case such city shall at any time be unable to agree upon the purchase price of any such stock then the city shall be authorized and empowered to purchase any such stock from any persons or parties owning the same at a price to be determined by a board of arbitration, consisting of three persons, one to be chosen by the common council of such city, the second to be chosen by the party or parties owning such stock, and the third to be chosen by the aforesaid two, and the finding of such board of arbitration shall be final and conclusive upon the parties.

Profits, how apportioned. SECTION 11. If such auditorium or music hall shall at any time become profit earning over and above the expense of maintenance, repairs, insurance and other expenses connected with the operation thereof then one-half of the net profits shall be paid over to the association or corporation belonging to such jointure to be distributed among its members or stockholders in such manner as such association or corporation shall decide and the other half of such profits shall be paid into the treasury of such city and shall be credited to the school fund.

Annual statement. SECTION 12. It shall be the duty of said board to make an annual report to the common council of all receipts and disbursements and balance on hand.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 510, A.] [Published June 23, 1905.

CHAPTER 427.

AN ACT to amend subdivision 3 of section 2 of chapter 315 of the laws of 1903, relating to the taxation of railroad companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Property of railroad company defined. SECTION 1. Subdivision 3 of section 2 of chapter 315 of the laws of 1903 is hereby amended by inserting after the word "terminals" in the eighth line thereof, the words "grain elevators and coal docks not exclusively used by the railroad in the operation of its business," so that when so amended said subdivision shall read as follows: "3. The term "property of the railroad company," as used in this act, shall include all franchises, right of way, road bed, tracks, stations, terminals, rolling stock, equipment and all other real and personal property of such company used or employed in the operation of the railroad or in conducting its business, and shall include all title and interest in such property as owner, lessee or otherwise. Real estate not adjoining its tracks, stations, or terminals; *grain elevators and coal docks not exclusively used by the railroad in the operation of its business;* and real estate not necessarily used in operating the railroad *are* excepted and shall be subject to taxation like the property of individuals."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 755, A.] [Published June 23, 1905.

CHAPTER 428.

AN ACT to provide for the puchase of additional sets of Wisconsin Reports and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase of reports. SECTION 1. The superintendent of public property is hereby directed to purchase five complete sets of the Wisconsin Reports to be used as follows: One set to be furnished to the judge of the eighteenth judicial circuit for his use and the use of his successors in office, and four sets to be deposited in the state law library, subject to being removed therefrom on the order of said superintendent, for the use of the legislature or any of the departments of the state.

Appropriation. SECTION 2. There is hereby appropriated from the general fund a sum sufficient to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 779, A.] [Published June 23, 1905.

CHAPTER 429.

AN ACT to amend section 12 of chapter 218 of the laws of 1899, relating to the district court in the county of Milwaukee, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Phonographic reporter; duties; salary. SECTION 1. Section 12 of chapter 218 of the laws of 1899 is hereby amended so as to read as follows: Section 12. The judge of said district court is hereby authorized to appoint a phonographic reporter for such court. The person so appointed shall be deemed an officer of the court, and before entering upon the duties of his office shall take and subscribe the constitutional oath of office and file the same, duly certified to, in the office of the county clerk of Milwaukee county. Such reporter so appointed shall attend all the sessions of said district court and shall report all preliminary examinations held before said court, but in all cases of prosecutions for violations of the ordinances of the city of Milwaukee, and in all prosecutions for misdemeanors said reporter shall not be required to report such trial or proceeding, nor shall it be necessary for said judge of said court to take minutes of the evidence given before him; but said district judge may require said reporter to report any trial or proceeding, other than preliminary examinations which may be had before said court. * * * It shall be the duty of said reporter, at the request of any party, to transcribe in long hand the evidence of any proceeding or trial taken by him in said district court, or any part thereof, which transcript shall be duly certified by him to be correct, and for which he shall be entitled to receive from the party requesting the same, five cents per folio, when written out in full, and when, at the request of the party it shall be written in narrative form, ten cents per folio. Said reporter shall be furnished all necessary stationery and supplies. It shall be the duty of such reporter to transcribe * * * as soon as may be, the charge of the court to the jury, and the evidence taken upon preliminary examinations, * * * *whether the accused be held for trial or discharged, and file the same within ten days after reporting such testimony. For reporting, transcribing*

and filing testimony, duly certified to as correct, said reporter shall be entitled to receive as compensation such salary and transcript fees as shall be fixed by the County Board. Provided, however, that until the compensation of such reporter is so fixed by said County Board said reporter shall continue to receive the salary now provided by law.

Conflicting laws repealed. SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No 788, A.] [Published June 23, 1905.

CHAPTER 430.

AN ACT to prescribe the manner of printing the session laws of 1905.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Session laws, how printed. SECTION 1. The session laws for the year 1905 shall, whenever any chapter or section therein purports to amend any section of any prior session law or statute, have all new matter therein added to or changed from such prior session law of statute printed in italics and all omissions therefrom indicated by asterisks. The secretary of state with the assistance of the attorney general shall prepare for the printer the necessary copies of the enrolled bills with such additions, changes and omissions suitably indicated to enable the printer to comply with this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 794, A.] [Published June 23, 1905.

CHAPTER 431.

AN ACT relating to the liability of the state for license fees paid by railroads in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment under protest necessary. SECTION 1. In any action brought against the state by any railroad company organized or doing business in this state or by the receiver thereof for the recovery of any sum or sums of money heretofore paid as license fees, the state shall not be liable in such action unless it shall be shown that said license fees were paid under protest.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 290, S.] [Published June 23, 1905.

CHAPTER 432.

AN ACT relating to election officers and the conduct of elections, and amendatory of section 47 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election officers, how nominated and approved. SECTION 1. Subsection 1 of section 47 of the statutes of 1898 is hereby amended to read as follows:

(1). The mayor of every city shall nominate to the common council thereof at their first regular meeting in September of each year in which an election is to be held, and if no such meeting is held then at a special meeting which he shall call for such purpose on the last Tuesday of said month, three persons for in-

spectors of election, two for clerks of election and two for ballot clerks in each election district therein. The president of every village shall nominate to the board of trustees thereof at their first regular meeting in September of each year in which a general or other election is to be held under the provisions of this title, and if no such meeting is held then at a special meeting which he shall call for that purpose on the last Tuesday of said month, three persons for inspectors of election, two for clerks of election and two for ballot clerks in each election district therein. Each of the persons so nominated shall be an elector in the district for which appointed, be able to read and write the English language understandingly, and shall not be a candidate to be voted for at such election, and not more than two of such inspectors, nor one of said clerks of election or ballot clerks so nominated shall be of the same political party, but all such officers shall be chosen from the two parties which cast the largest vote in such district at the last preceding general election *and they shall be chosen from a list submitted to the mayor of the city or to the president of the village for that purpose by the regular county committee or city committee of the aforesaid two parties, which list shall bear the signature of the chairman and secretary of said county or city committee.* Such common council or board of trustees shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immediately nominate another person, qualified as aforesaid *from the list of the two committees representing the two parties which cast the largest vote in said district in the last general election, and the mayor or village president* shall continue to do so until the requisite number have been nominated and confirmed at such meeting. The persons so appointed inspectors and clerks in cities shall hold their offices for one year and until their successors are appointed and qualified, and shall act as such officers at every general, municipal and special election held within their respective districts during such term. The persons so appointed in villages shall hold their offices until their successors are appointed and qualified, and shall act at every election held under this title within their respective districts. Such inspectors shall fill any vacancies in their number or the number of such clerks by persons qualified as aforesaid, and may appoint one of their number as chairman.

Penalty. SECTION 2. A new subsection is added to said section 47 to be numbered and to read as follows: *(5). Any*

mayor of a city or any president of a village or any official who violates any of the provisions of this act shall upon conviction be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment in the county jail of not less than six months nor more than one year, or both.

Conflicting laws repealed. SECTION 3. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 275, S.] [Published June 23, 1905.

CHAPTER 433.

AN ACT to amend chapter 56 of the statutes of 1898, entitled "Of the State Board of Health and Vital Statistics," and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State board of health and vital statistics; appropriation. SECTION 1. Section 1406 of the statutes of 1898 is hereby amended so as to read as follows: Section 1406. A member of the board shall be chosen president thereof, and his term of office *shall be fixed and determined by said board, and his duties shall be such as may be prescribed by the by-laws of said board or by the statutes of the state.* The board shall also elect a secretary either from their own number, or otherwise, who shall hold his office subject to removal at discretion by a vote of five members at a regular meeting, and while in office he shall be a member of the board. The secretary shall receive an annual salary to be fixed by the board, and he and each other member shall be reimbursed his traveling expenses actually and necessarily incurred in the performance of official duties. *The members of said board, other than the secretary, shall be paid a compensation*

of ten dollars per day, when actually and necessarily engaged outside of the city or town in which such members respectively reside, on the performance of their official duties, other than attendance upon the regular meetings of the board. Such compensation to be paid on the certificate of the president and secretary of such board, but the compensation so to be paid to such members of the board other than the secretary shall not in any one year exceed the sum of twelve hundred dollars. All printing required by the board in the performance of its duties shall be performed by the state printer upon the order of the president and secretary of said board. All postage required by said board in the performance of its official duties may be procured by said board and paid for out of the state treasury. The accounts for such postage shall be verified by the secretary of said board and shall be audited by the secretary of state. In addition to all other appropriations there is appropriated to said State Board of Health the sum of four thousand five hundred dollars ($4,500), or so much thereof as may be necessary to pay the expenses incurred by said board in the performance of its duties, to be paid by the state treasurer on the certificate of the president and secretary of such board. The superintendent of public property, when so directed by the governor, shall provide at Madison an office for the secretary and a suitable place for the meetings of said board.

Duties of Board of Health. SECTION 2. Section 1407 of the statutes of 1898 as amended by section 22, chapter 351 of the general laws of 1899 is amended by striking out thereof, the following words in lines 8, 9, 10, 11 and 12: And for the purpose of enabling them to publish in different languages and freely to distribute circulars of information and instruction concerning dangerous contagious diseases and for the general furtherance of its work, the sum of one thousand dollars ($1,000), or so much thereof as may be necessary may be used each year;" so that said section when amended shall read as follows: Section 1407. The said board shall have general supervision throughout the state of the interests of the health and life of citizens, and shall especially study the vital statistics of the state and endeavor to put the same to intelligent and profitable use. They shall make sanitary investigations and inquiries respecting the causes of disease, especially epidemics, the causes of mortality, and the effects of localities, employments, conditions, habits and circumstances, and shall diffuse such information as they may deem proper. * * * They shall voluntarily, or when re-

quired, advise public boards or officers in regard to location, drainage, water supply, disposal of excreta, heating and ventilation of any public building or institution, and shall recommend from time to time, works of hygiene for the use of the public schools. They shall send their secretary or a committee to any part of the state whenever deemed necessary to investigate the cause and circumstances of any special or unusual disease or mortality or to inspect any public building; and such officers shall have full authority to do any necessary act therefor. The board shall, in October of each even numbered year, report to the governor their transactions, investigations and discoveries during the preceding term and such suggestions for legislation as they think fit.

Water and sewerage systems, how approved. SECTION 3. Before any city or village shall institute a water system, or system for water supply for the domestic use of its inhabitants, or a system of sewerage for the disposition of its sewage, such city or village shall submit to the State Board of Health the plans and specifications for such system, and both of the water system and the sewerage system if a sewerage system exists or is proposed, and the State Board of Health shall examine such plans and specifications for the proposed system and the sanitary and hygienic features thereof; and no such system shall be installed or put in operation until the State Board of Health shall issue its certificate that such proposed system will not be in any respect unsanitary or dangerous to the public health.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 318, S.] [Published June 23, 1905.

CHAPTER 434.

AN ACT to amend chapter 34 of the statutes of 1898 as amended by chapter 228 of the laws of 1901 and chapter 240 of the laws of 1903, relating to the Wisconsin National Guard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tenure of office; vacancies. SECTION 1. There is hereby constituted a new section of the statutes of 1898 to be designated as section 611a, which shall read as follows: 611a. The adjutant general, quartermaster general, assistant adjutant general, assistant surgeon general, inspector of small arms practice, quartermaster and officers of the pay and subsistence departments of the Wisconsin National Guard, heretofore appointed and now acting as such officers, shall hold their positions until they shall have reached the age of 64 years unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court martial under the provisions of section 66, chapter 228, laws of Wisconsin, 1901. Vacancies among said officers shall be filled by appointment from the officers of the Wisconsin national guard.

Temporary military force when authorized. SECTION 2. There is hereby constituted a new section of the statutes of 1898 to be known as 610a, which shall read as follows; 610a. In the event of all or part of the Wisconsin National Guard being called into the service of the United States, the governor is hereby authorized to organize and equip a temporary military force equal in size and organization to that called from the state, provided, that upon the return to the state of the troops called into the service of the United States, the temporary military force shall be disbanded.

Appropriations. SECTION 3. Section 73, chapter 228, laws of 1901 as amended by section 7, chapter 240, laws of 1903, is hereby constituted section 649—34 and amended to read as follows: 649—34. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated a sum of money, to make *all the* purchases, defray the expenses

and pay the allowances *of the Wisconsin National Guard during each fiscal year* not to exceed one hundred thirty thousand dollars ($130,000). *This limit to apply annually* except in case of war, riot or great public calamity. *To promote interest and efficiency in rifle practice, not to exceed fifteen hundred dollars ($1,500) of the annual state military appropriation may be expended annually, on approval of the governor, to defray the expenses of the state participating in the annual national rifle competition between the several states and the army and navy of the United States. There is further appropriated for the purpose first above named in this section, the sum of ten thousand dollars per annum for the period of two years, out of any money in the state treasury not otherwise appropriated.*

School for officers, when held. SECTION 4. There is hereby constituted a new section of the statutes of 1898 to be designated as section 639a, which shall read as follows. 639a. Once each year a school for all the officers of the Wisconsin National Guard shall be held, on the approval of the governor, and at such time and place as he may order. This school shall be held not to exceed two days. Attendance shall be compulsory and a per diem allowance shal be paid each officer attending. Payment shall not be made for a period of more than two days nor shall any officer be paid more than the pay of an officer of equal rank in the United States army.

Armory rent; feed for horses. SECTION 5. Section 59, chapter 228, laws of 1901 as amended by section 4, chapter 240, laws of 1903, is hereby constituted section 649—19 of the statutes of 1898, and amended by adding at the end thereof the following: 649—19. *There shall be paid annually to each band of the Wisconsin National Guard for armory rent the sum of two hundred dollars ($200) and to troop "A" first cavalry and first battery field artillery each an additional one thousand dollars ($1,000) annually for the purchase, care and feed of horses.*

Salaries and employees. SECTION 6. Section 170, statutes of 1898 is hereby amended by striking out the words "fourteen hundred dollars" where they occur in the first line of page 262 of said statutes, and inserting in lieu thereof the words: *eighteen hundred dollars* and by inserting after the words "twelve hundred dollars" where they occur in the fifth line of said page 262, the following: *a clerk to the quartermaster general with the approval of the governor for duty in his office on*

the Wisconsin military reservation not to exceed eight hundred forty dollars.

Officers' indemnity bond, payment for. SECTION 7. Section 36, chapter 228, of the laws of 1901, is hereby constituted section 645 of the statutes of 1898 and is amended by adding at the end thereof the following: 645. *The adjutant general, with the approval of the governor, may obtain and pay for out of the annual military appropriation an adequate indemnity bond covering all of the officers of the Wisconsin National Guard responsible to the state for moneys and military property.*

Officers' equipment and uniforms. SECTION 8. Section 33, chapter 228 of the laws of 1901, is constituted section 642 of the statutes of 1898 and is amended to read as follows: Section 642. No state funds shall be used for the purchase of uniforms or equipment for *officers except that such equipment may be issued by the quartermaster general and chief of ordnance upon the approval of the governor.*

General courts martial. SECTION 9. Section 66, chapter 228 of the laws of 1901, is hereby constituted section 649—26 of the statutes of 1898, and is amended by adding at the end thereof the following: Section 649—26. *General courts martial legally convened for the trial of members of the Wisconsin National Guard shall have authority, subject to approval by the governor, to impose fines not to exceed twenty-five dollars ($25) in any one case and to punish by imprisonment in a county jail not to exceed thirty days, and the sheriff or other officers shall aid in the enforcement of such sentences in the same manner as in other cases.*

Police powers conferred. SECTION 10. Section 65, chapter 228, of the laws of 1901 is constituted section 649—25 of the statutes of 1898 and is amended by adding at the end thereof the following: *The officer in charge of the state military reservation shall have on such reservation the police powers possessed by officials at state hospitals as provided in section 609 of the statutes of 1898.*

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 550, S.] [Published June 24, 1905.

CHAPTER 435.

AN ACT defining "private fish hatchery," regulating the stocking thereof, providing for report, numbering and registering, by the owners thereof, regulating transportation of fish shipped therefrom and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Private fish hatchery defined. SECTION 1. For the purpose of construing the fish and game laws of this state the term "private fish hatchery," wherever that term is used, shall be taken to mean the following named equipments and no others:

(a) Private ponds and the buildings used for the purpose of hatching fish, located at the head waters of a stream on private land possessed and controlled by the owner or owners of such hatchery.

(b) Private ponds and the buildings used for the purpose of hatching fish, located on private land where the supply of water for the hatchery is furnished by springs or artificial wells.

(c) Ponds and the buildings used for hatching fish, located on private land where the supply of water for the hatchery is obtained by the use of flumes, pipes or ditches from flowing streams; provided that said flumes, pipes or ditches shall be properly screened so as to prevent fish from passing from such stream to the ponds of such hatchery.

Stocking hatchery. SECTION 2. It is hereby made unlawful to stock any private fish hatchery with fish or fry obtained from any of the Wisconsin state fish hatcheries, or from any of the waters of the state except when such fish have been taken in a lawful manner.

Penalty. SECTION 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail in the county in which such offense was committed not less than

twenty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Owners to report and hatcheries to be numbered, inspected and registered. SECTION 4. It is hereby made the duty of the owners or lessees of private fish hatcheries to report to the state fish and game warden the name, if any, and location of such hatchery, whereupon the state fish and game warden shall inspect the same number and register such hatchery and immediately inform the owner thereof, of the number given such hatchery and thereafter the owner or lessee of any such hatchery shall not ship any fish from his said hatchery without marking every package shipped therefrom with the number of such hatchery.

Transportation and marking packages. SECTION 5. Each package or box containing fish propagated and raised in any private hatchery shipped or offered for shipment shall be branded with an iron brand as follows: Shipped from the private fish hatchery of (here insert the name of the owner or lessee, location and number of the hatchery) and such brands shall not be used on packages containing fish not taken from such private hatchery.

Penalty for using brand unlawfully. SECTION 6. Any person who shall use the stamp or brand described in this act on any box or package containing fish not propagated and raised in a private fish hatchery duly numbered and registered as provided for in this act and ship or offer for shipment such box or package shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution and be imprisoned in the county jail of the county in which the offense was committed until said fine and costs are paid, not to exceed ninety days.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 553, S.] [Published June 24, 1905.

CHAPTER 436.

AN ACT to amend section 4562d of the statutes of 1898, as amended by section 9, chapter 311, laws of 1899, as amended by section 9, chapter 358, laws of 1901, as amended by section 17, chapter 437, laws of 1903, relating to the closed season for hunting deer, prohibited methods of hunting, number of deer in possession and providing a penalty for violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Closed season for hunting deer; prohibited methods. SECTION 1. Section 4562d of the statutes of 1898, as amended by section 9, chapter 311, laws of 1899, as amended by section 9, chapter 358, laws of 1901, as amended by section 17, chapter 437, laws of 1903, is hereby amended so as to read as follows: Section 4562d.* *It shall be unlawful and is hereby prohibited to hunt, take, capture or kill, by any means or in any manner whatever, or to pursue with the intent to hunt, take, capture or kill*

(a) Any deer between the thirtieth day of November and the succeeding tenth day of November of the succeeding year (hereby intending to include in the closed season for hunting deer all the year except the last twenty days of November);

(b) Any deer in the counties of Calumet, Columbia, Fond du Lac, Manitowoc, Sauk and Sheboygan at any time;

(c) Any deer in the counties of La Crosse, Monroe, Trempealeau, and Vernon until the tenth day of November, 1907, and thereafter only between the tenth day of November and the succeeding first day of December, excluding the first day and the last day;

(d) Any deer in the counties of Adams, Richland and Marquette at any other time than during the last ten days of November in each year;

(e) Any deer with a dog or dogs at any time;

(f) Any deer in the "night-time" as that term is defined in section 4637a of the statutes of 1898;

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*Entire section is rewritten.

(g) Any deer in the water or on the ice of any stream, lake or pond, at any time;

(h) Any deer by means of any pit, pit-fall, trap or snare at any time;

(i) Or any deer by the aid of any artificial light at any time.

Number of deer. SECTION 2. It shall be unlawful and is hereby prohibited for any person to kill more than two deer in any one year, or to have in his possession the skin of any deer when it is in the red coat or the skin of any fawn when it is in the spotted coat (except when such skins are possessed under the provisions of section 20, chapter 437, laws of 1903), or to have in his possession the carcass of more than two deer or parts of carcass of more than two deer during any one year.

Deer defined. SECTION 3. The term "deer" as used in this act shall be construed to mean a buck, doe or fawn.

Salt, use of prohibited. SECTION 4. It is made unlawful and is hereby prohibited to place any salt in any place for the purpose of enticing deer thereto.

Penalty. SECTION 5. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution or by imprisonment in the county jail of the county in which the offense was committed not less than two months nor more than six months or by both such fine and imprisonment in the discretion of the court.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 558, S.] [Published June 24, 1905.

CHAPTER 437.

AN ACT to amend section 1222d of the statutes of 1898, as amended by chapter 354 of the laws of 1899, relating to the payment of license by street railway and electric companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License, payment of by street railway and electric companies. SECTION 1. Section 1222d of the statutes of 1898, as amended by chapter 354 of the laws of 1899, is hereby amended so as to read as follows: Section 1222d. In case any such person, company or corporation shall neglect to pay such license fee for the period of ten days next succeeding the fifteenth day of December in any year, the city, village or other municipality to which such license fee is due shall have a right of action against every such person, company or corporation with all remedies provided by law in cases of actions on contract. All such persons, electric street railways and electric lighting or power companies, referred to in section 1222c, whose gross cash receipts shall equal or exceed *four* hundred thousand dollars per annum, are hereby designated of the first class, and such license fee shall be calculated upon the actual gross cash receipts of such person, company or corporation aforesaid, as follows: *Five* per cent upon all of such receipts. Those whose gross cash receipts shall be less than *four* hundred thousand dollars per annum are hereby designated of the second class, and the license fee therefore shall be calculated upon the actual gross cash receipts of such person, company or corporation aforesaid, as follows: two *and one-half* per cent on all such receipts.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 15, A] [Published June 24, 1905.

CHAPTER 438.

AN ACT to direct and require the Agricultural Experiment Station of the University of Wisconsin to conduct scientific investigations tending to advance the cranberry industry in Wisconsin and to expend a certain sum of money therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cranberry industry, investigations of. SECTION 1. The director of the agricultural experiment station of the university of Wisconsin, by and with the aid of his assistants, is hereby authorized and directed to conduct investigations tending to the enlargement and improvement of the cranberry industry of this state. To this end he may direct and conduct surveys of land and marshes in order to ascertain more definitely their suitability to cranberry growing, and may prepare maps showing areas and locations of the same. He may also survey and study the supply and storage of waters requisite to the industry. He may secure lands by rental or purchase on which cranberries can be grown or are already growing, and conduct investigations therewith. He may secure or produce by selection and breeding new and improved varieties of cranberries and disseminate the same. He may also experiment to ascertain the best methods of planting, flooding, draining and cultivating cranberries, and may study the methods of combatting the insects and diseases injurious to this plant; also securing information and disseminating the same which will lead to the wider use and more profitable marketing of the cranberry crop. In general, he may conduct such studies as are requisite or desirable to the end of enlarging the knowledge of this important branch of horticulture in Wisconsin.

Bulletins and reports. SECTION 2. The results of studies carried on under the provisions of the previous section shall be embodied in bulletins and reports of the agricultural experiment station, and such information shall be issued promptly and given freely, without charge, upon request, to all residents of the state.

Direction of; expenditures. SECTION 3. The work laid out under the provisions of the preceding sections shall be under the direct charge of the director of the agricultural experiment station of the university of Wisconsin. All expenditures of moneys shall be under the forms laid down by the regents of the university of Wisconsin in the conduct of the agricultural experiment station. The secretary of the regents of the university of Wisconsin shall in the biennial report of the board of regents under a special heading, render an itemized account of all expenditures made under the provisions of this act for the information of the governor and the legislature.

Amount allowed. SECTION 4. To carry out the provisions of this act the University of Wisconsin shall, annually, for the term of three years, expend a sum not less than two thousand dollars out of the university fund income, provided for by law.

SECTION 5. This act shall take effect and be on force from and after its passage and publication.

Approved June 19, 1905.

No. 87, A.] [Published June 24, 1905.

CHAPTER 439.

AN ACT to provide for the registration and return of births and deaths.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registration and return of births and deaths. SECTION 1. It shall be the duty of every physician attending the birth of a child, and in case no physician is in attendance, it shall be the duty of the midwife in attendance, within thirty days afer such birth, to give notice of the same to the health officer of the board of health existing in the city in which the birth occurs, and in case no health officer exists therein, the said notice shall be given to the city clerk; in towns or villages the said notice shall be given to the town or village clerk as the case may be.

In case no physician or midwife be in attendance upon the birth of a child, then it shall be the duty of parent and of every householder to give notice of the birth of any child occurring in such household in the manner hereinbefore provided.

The keeper of a workhouse, house of correction, a prison, hospital or almshouse, and the master or other commanding officer of a ship, shall give like notice of every birth occurring among the persons under his charge. Said notice shall give the full name of the child, if it have any, color, sex, name of any other issue living, born of same parents, full name of mother previous to marriage, hour, day of week, of month, and year of birth, place, town or township or county in which born, birthplace of father and birthplace of mother. Said notice shall be made on blanks furnished by the state board of health to the register of deeds of every county and shall contain at the bottom a blank for the registry of any important information not already reported, and also space for the health officer, town or village clerk, to certify that the above is a true return of said birth and of the other facts there recorded together with the date thereof. It shall be the duty of the health officer of every board of health in the cities in the state and in towns and villages, of the town and village clerk to collect certificates of births that occur in the town or village in which he is an officer, and at the end of each month to certify all such certificates of birth as he may have received or collected and forward the same to the register of deeds of the county in which said births occurred.

Burial permits, how issued; certificates. SECTION 2. No person shall bury, prepare for incineration or remove from place where death occurs, any human body until he has received a permit to do so from the health officer or one of his deputies, if the death occurs in a city, or from the village or town clerk, if the death occurs in a village or town, and if the village or town clerk cannot be obtained to issue such permit for good and sufficient reason, the health officer or his deputy of such village or town; and no permit shall be issued until there has been delivered to such clerk, health officer or deputy health officer, as the case may be, a satisfactory certificate containing the full name of the person deceased, maiden name if wife or widow, color, sex, race, occupation, age, (giving years, months and days) names and birthplace of father and mother and birthplace of deceased, name of wife or of husband and date of birth of deceased, condition, (whether single, married or

vidowed) and date of death, residence at the time of death, primary and secondary cause of death, duration of disease, whether deceased was ever a federal soldier or sailor, place of burial, name of undertaker or other person conducting the burial or incineration, date of certificate, number and date of burial permit. In case such permit be issued by a health officer or deputy health officer in a village or town he shall immediately transmit the death certificate to the clerk of the town or village in which the death occurred. Said certificate shall be signed by the physician last in attendance on deceased, if any there was, who shall state the primary and secondary cause of death according to the best information he can obtain, or in any case where an inquest was taken, by a coroner or a justice of the peace. If there be no attending physician, or if the certificate of the attending physician cannot be obtained early enough for the purpose, any physician employed for the purpose shall upon the request of the clerk, health officer or deputy health officer, make such certificate as is required of the attending physician, and in case there is no physician obtainable early enough for such purpose, the said certificate shall be made by a justice of the peace upon his being requested to do so by the clerk, health officer or deputy health officer as aforesaid. All certificates of death shall be forthwith transmitted to the health officer in cities, and to the clerks of villages and towns and it shall be the duty of such officers, and town and village clerks to collect certificates of all deaths which occurred within their respective jurisdiction and at the end of each month to certify all such certificates of death as he may have received or collected and forward the same to the register of deeds in the county in which such deaths occur.

Fees for reporting. SECTION 3. Every physician, midwife, health officer, deputy health officer, parent, householder, coroner or justice of the peace who shall comply with the foregoing provisions shall receive for each certificate of birth, or death, as the case may be, so returned to the register of deeds properly certified, twenty-five cents; and every clerk, health officer, or deputy health officer who certifies and causes to be transmitted to the register of deeds of any county any certificate so returned and certified fifteen cents; the said fees to be audited and paid out of the county treasury on itemized account in accordance with the provisions of section 1026 of the revised statutes of 1898, and acts amendatory thereof; but no duplicates shall be counted in computing such fees.

State Board of Health authorized to collect statistics; expense, how charged. SECTION 4. In case the health officer of cities and the clerks of villages and towns fail or neglect to collect and properly transmit to the register of deeds of their respective counties a complete record of the births and deaths occurring within their respective jurisdiction as herein provided, then the state board of health may cause same to be properly collected and the necessary expenses incurred by so doing shall be charged to and paid for by the city, village or town wherein this expense is necessarily incurred.

Law repealed. SECTION 5. Chapter 415 laws of 1903 is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 559, S.] [Published June 24, 1905.

CHAPTER 440.

An ACT granting to the United States jurisdiction over certain lands in Crawford county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consent to purchase given. SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase, by the United States, of any tract or tracts of land in the city of Prairie du Chien, Crawford county, Wisconsin, for use as a suitable approach to the Fort Crawford Military Cemetery at Prairie du Chien under the provisions of an act of congress approved March 3, 1905, and the state hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as the same shall remain the property of the United States, for all purposes except the service of civil or criminal process therein.

Exemption from taxes. SECTION 2. The lands aforesaid, hen so purchased, shall hereafter be exempt from all taxes nd assessments levied or imposed under authority of the state, o long as the same shall remain the property of the United tates.

SECTION 3. This act shall take effect and be in force from nd after its passage and publication.

Approved June 19, 1905.

No. 120, A.] [Published June 24, 1905.

CHAPTER 441.

AN ACT to amend section 1529b of the statutes of 1898 as amended by chapter 333 of the laws of 1903, relating to county tax for soldiers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County tax for soldiers. SECTION 1. Section 1529b of the statutes of 1898 as amended by chapter 333 of the laws of 1903 s hereby amended so as to read as follows: Section 1529b. It shall be the duty of every county board to annually levy, in addition to all other taxes, a tax *not less than one-twentieth,* nor more than one-fifth of one mill upon *the value of* the taxable property in the county *as determined by said board;* such tax to be levied and collected as other county taxes for the purpose of creating a fund for the relief of needy union soldiers, sailors or marines, the indigent wives, widows, minor children of deceased union soldiers, sailors and marines, and the indigent parents of such soldiers, sailors or marines, who have not left surviving them widows or children entitled to relief under the provisions thereof. *At the end of each fiscal year, any unexpended balance in such fund shall be transferred to the general fund.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 310, A.] [Published June 24, 1905.

CHAPTER 442.

AN ACT to amend section 1222k of the statutes of 1898, regarding the license fee to be paid by trust, annuity and guaranty corporations existing under chapter 86 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License fee, amount of. SECTION 1. Section 1222k of the statutes of 1898 is hereby amended by striking out the word "two" where the same appears in the fifth line of said section and inserting in lieu thereof the word "three" so that said section when so amended shall read as follows: Section 1222k. Trust, annuity and guaranty corporations existing under chapter 86 shall, on or before the first day of March in each year, pay to the state treasurer, as an annual license fee for transacting their business, the sum of *five* hundred dollars; and in addition thereto shall pay *three* per centum of their net income during the calendar year preceding. The payment of such license and percentage shall be in lieu of all taxes for any purpose authorized by the laws of this state except taxes on such real estate as may be owned by such corporations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 321, A.] [Published June 24, 1905.

CHAPTER 443.

AN ACT relating to text books for use in the common schools of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Text books, how selected. SECTION 1. Section 440, chapter 27, statutes of 1898 is hereby amended so as to read as follows: Section 440. The board shall determine what text books shall be used in the school, make a list of such books, file a copy *thereof* with the clerk and keep a copy *of such list* posted in the school house. When text books shall have been so adopted * * * they shall not be changed for the *period* of three years * * * .

Conflicting laws repealed. SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 133, A.] [Published June 24, 1905.

CHAPTER 444.

AN ACT to provide for the punishment of persons responsible for, or contributing to the delinquency of children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Persons responsible for delinquency, how punished. SECTION 1. In all cases where any child shall be a delinquent child, as defined by the statutes of this state, the parent or parents, legal guardian, or person having the custody of such child, or any

other person, responsible for the delinquency, through willful neglect, or by any willful act encouraging, causing or contributing to the delinquency of such child, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be fined in a sum not to exceed five hundred dollars, or imprisoned in the county jail for a period not exceeding one year, or punished by both such fine and imprisonment. The court may impose conditions upon any person found guilty under this act, and so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended; provided, however, that no such sentence or the execution thereof shall be stayed to exceed a period of two years, and if at the expiration of the stay of such sentence, or at such time prior thereto as the court may deem proper, it shall appear to the satisfaction of the court that such person has complied faithfully with the conditions of such suspended sentence, the court may suspend such sentence absolutely, in which case such person shall be relieved therefrom.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 770, A.] [Published June 24, 1905.

CHAPTER 445.

AN ACT relating to the removal of county officers, amending section 968 of, and adding section 968a to, the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Removal of county officers. SECTION 1. Section 968 of the statutes of 1898 is hereby amended so as to read as follows: Section 968. The governor may remove from office any sheriff, coroner, register of deeds or district attorney, giving to such officer a copy of the charges against him and an opportunity of being heard in his defense; and he may, in his discretion, before

acting upon such charges made to him against any such officer, require the persons making the same to execute to the state and deliver to him a bond in the sum of one thousand dollars, with one or more sureties, to be approved by him, conditioned for the payment of all costs, and expenses actually incurred by the state and such officer in the examination and hearing of such charges; but no action shall be brought upon such bond by the attorney-general or by the officer complained of or his legal representatives unless the governor shall certify, in writing, that the charges against such officer were malicious or without probable cause. *The expenses of such investigation shall be audited and paid out of the general fund upon vouchers duly certified.*

Hearing, notice of; procedure. SECTION 2. There is hereby enacted a new section of the statutes of 1898, to be known as section 968a and to read as follows: Section 968a. Upon the filing with the governor of specific charges of official misconduct or malfeasance in office on the part of any officer, named in section 968, he shall make an order fixing a time when, and place where, the matter will be heard and investigated, and shall cause a copy thereof together with a copy of the charges to be served upon such officer at least twenty days before the date fixed for such hearing. Service may be made by delivering a copy of such order and charges to such officer in person or by mailing a copy thereof to such officer at his last and usual postoffice address. Such officer may within ten days from service of such charges file with the governor his answer thereto. Such charges and answer shall be verified in the same manner as pleadings in courts of record are verified. The governor may conduct such hearing or examination in person or he may appoint a commissioner to make the investigation and take and report the testimony. The governor and the commissioner so appointed shall have authority to administer oaths, and issue subpoenas for the attendance of witnesses and the production of evidence and may make and enforce such orders and rules as are necessary to properly conduct such hearing or investigation, and the governor may appoint a stenographer to take testimony and may fix the compensation of such commissioner and stenographer. If any witness shall fail or refuse to obey a subpoena issued by the governor or the commissioner by this act provided or refuse to testify to any matter concerning which he may be interrogated it shall be the duty of the circuit court of the county in which such witness is summoned to appear, or of a judge thereof, on application of the governor or such commissioner to compel obedience by

attachment and proceedings for contempt as in case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. No person shall be excused from testifying or from producing any evidence on such hearing or investigation for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, but no person so testifying shall be prosecuted for or on account of any transaction, matter or thing concerning which he may have so testified or produced any documentary evidence.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 226, A.] [Published June 24, 1905.

CHAPTER 446.

AN ACT to amend section 1463 of the statutes of 1898, as amended by chapter 274 of the laws of 1901, and section 1464 of the statutes of 1898, so as to render state aid to all agricultural fairs, definite and uniform.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State aid to be based on cash premiums paid. SECTION 1. Section 1463 of the statutes of 1898, as amended by chapter 274 of the laws of 1901, is hereby amended so as to read as follows: Section 1463.* *There shall be paid within ten days after the first day of February, out of the state treasury, to each organized agricultural society, association, or board in the state, which shall have substantially complied with the following conditions, forty percentum of the total amount of premiums thereby paid at its annual fair for the preceding year, provided that in computing the amount upon which such percentum is to be paid, not more than one-half thereof shall have been paid for trials or exhibitions of speed, or other contest, for which pub-*

*Entire section rewritten.

lished premiums have been offered. On or before the first day of February, in each year, the president and secretary of each society, association, or board, claiming state aid, shall file with the secretary of state a sworn statement of the actual amount of cash premiums and purses paid at the fair of the preceding season, which premiums and purses, must correspond with the published offers of premiums and purses, and a further statement that at such fair, all gambling devices whatsoever, and the sale of intoxicating liquors had been prohibited and excluded from the fair grounds, and all adjacent grounds under their authority or control. Such statement shall be accompanied by an itemized list of all premiums and purses paid, upon which such forty percentum payment is claimed, a copy of published premium list and speed list of fair, and a full statement of receipts and disbursements for the past year, duly verified by the secretary. Copies of such statements shall be deposited with the secretary of state and the secretary of the state board of agriculture. Such money shall be paid to the treasurer of the society, association, or board, upon his receipt, countersigned by the secretary. Provided, that the amounts to be paid to any such organized agricultural society, association or board, during any year, shall not exceed the following amounts, to-wit:—to the State Board of Agriculture the sum of ten thousand dollars, to the Northern Wisconsin State Fair or the La Crosse Inter-State Fair Association, the sum of five thousand dollars each, and to any county agricultural society or other association or board above mentioned, the sum of one thousand and seven hundred dollars each.

Repealed. SECTION 2. Sections 1458c of the statutes of 1898, 1458d of the statutes of 1898, as amended by chapter 356 of the laws of 1901, and chapter 337 of the laws of 1901, as amended by chapter 290 of the laws of 1903, are hereby repealed.

Moneys how expended. SECTION 3. Section 1464 of the statutes of 1898 is hereby amended so as to read as follows: Section 1464. All moneys received by any such society, *association, or board,* either from the state or any other source, after paying the necessary incidental expenses thereof, shall be paid out annually for premiums awarded, in such sums and in such way and manner as its by-laws, rules and regulations shall direct, on such live animals, articles of production, agricultural implements and tools, domestic manufactures, mechanical implements and productions as are the growth and manufacture of the *district which such society, association or board represents,* * * *

but live *stock*, the growth of any other county, state or country. * * * may receive the same premiums as those which are the growth of *the district where fair is located, should the society, association or board governing so decide.*

Conflicting acts repealed. SECTION 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 466, A.] [Published June 24, 1905.

CHAPTER 447.

AN ACT relating to the privileges of witnesses and of evidence in certain actions brought by the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Witnesses and evidence. SECTION 1. No railroad or street railway corporation, now, heretofore or hereafter, operating a railway or railroad in this state, shall be excused from producing books, papers, tariffs, contracts, agreements, records, files or documents, in its possession, or under its control, in obedience to the subpoena of any court or officer authorized to issue subpoenas, in any civil action which is now or hereafter may be pending, brought by the state against it to recover license fees, taxes, penalties or forfeitures, or to enforce forfeitures, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of it, may subject it to a penalty or forfeiture, or be excused from making a true answer under oath, by and through its properly authorized officer or agent, when required by law to make such answer to any pleading in any such civil action upon any such ground or for such reason.

Witness not excused from testifying; immune when. SECTION 2. No officer, clerk, agent, employee or servant of any such street railway or railroad corporation in any such action shall be excused from attending or testifying or from producing books, papers, tariffs, contracts, agreements, records, files or documents, in his possession or under his control, in obedience to the subpoena of any court in which any such civil action is pending or before any officer or court empowered or authorized to take deposition or testimony in any such action, in obedience to the subpoena of such officer or court, or of any officer or court empowered to issue a subpoena in that behalf, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or a forfeiture, but no such officer, clerk, agent, employee or servant shall be prosecuted or subjected to any penalty or forfeiture, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before such court or officer, or any court or officer empowered to issue subpoena in that behalf, or in any such case or proceeding except a prosecution for perjury in giving such testimony.

Secondary evidence. SECTION 3. In case of the failure or neglect of any such street railway or railroad corporation, or of any such officer, clerk, agent, employee or servant, to produce any such book, paper, tariff, contract, agreement, record, file or document, secondary evidence of the contents of any or either of the same may [be] given, and such secondary evidence shall be of the same force and effect as the original.

SECTION 4. This act to take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 696, A.] [Published June 24, 1905.

CHAPTER 448.

AN ACT to amend section 1952 of the statutes of 1898 relating to surplus in mutual life insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus, how distributed. SECTION 1. Section 1952 of the statutes of 1898 is hereby amended so as to read as follows. Section 1952. Every life insurance corporation doing business in this state upon the principle of mutual insurance, or the members of which are entitled to share in the surplus funds thereof may make distribution of such surplus as they may have accumulated annually, or once in two, three, four or five years as the directors thereof may from time to time determine. In determining the amount of the surplus to be distributed there shall be reserved an amount not less than the aggregate net value of all the outstanding policies, said value to be computed by the American Experience Table of mortality with interest not exceeding four and one-half per cent. *Nothing in this section shall be construed to hereafter permit any such corporation to defer the distribution, apportionment or accounting of surplus to policyholders for a longer period than five years, and on all policies, hereafter outstanding, under the conditions of which the actual distribution is provided for at a definite or fixed period, the apportioned surplus shall be carried as a liability in the class of policies on which the same was accumulated.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 776, A.] [Published June 24, 1905.

CHAPTER 449.

AN ACT providing for a closed season for hunting upland game birds, and repealing section 4562e of the statutes of 1898 as amended by section 4 of chapter 437 of the laws of 1903 and section 4564 of the statutes of 1898 as amended by section 10 of chapter 358 of the laws of 1901, and by section 10, chapter 437 of the laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Upland bird, hunting of when prohibited. SECTION 1. It shall be unlawful and is hereby prohibited, to take, catch, kill, hunt or pursue,

a. any woodcock, partridge, pheasant, or grouse of any variety, plover or snipe, between the first day of December and the succeeding first day of September, or,

b. any prairie chicken or prairie hen, between the fifteenth day of October and the succeeding first day of September, in any of the following named counties, to-wit:

Adams, Barron, Burnett, Bayfield, Buffalo, Clark, Crawford, Douglas, Dunn, Eau Claire, Jackson, Juneau, Marquette, Monroe, Pepin, Polk, Portage, Richland, Sawyer, Vernon, Washburn, Waushara and Wood.

c. or any prairie chicken or prairie hen in the counties of Marinette and Oconto, or either of them, before September first, A. D. 1907, or after said last mentioned date, between the fifteenth day of October and the fifteenth day of September next succeeding in each year, or

d. any prairie chicken or prairie hen in any other county than those hereinbefore enumerated, before the first day of September, A. D. 1910, or

e. any Mongolian, Chinese or English pheasant, or quail of any variety, before the first day of October, A. D. 1910.

Penalty. SECTION 2. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, and the

costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed, not less than ten days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

Laws repealed. SECTION 3. Section 4562e of the statutes of 1898 as amended by section 4 of chapted 437 of the laws of 1903 and sections 4564 of the statutes of 1898 as amended by section 10 of chapter 358 of the laws of 1901, and by section 10, chapter 437 of the laws of 1903, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 785, A.] [Published June 24, 1905.

CHAPTER 450.

AN ACT to amend section 6, chapter 274, of the laws of 1880, entitled "An act authorizing the city of Winona to construct, operate and maintain a bridge across the Mississippi river" as amended by chapter 76 laws of 1905.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bridge, lighting of; damages; attorney. SECTION 1. That section 6 chapter 274 of the laws of 1880, as amended by chapter 76 laws of 1905, is hereby amended so as to read as follows: Section 6. The city of Winona shall be liable for all damages sustained or suffered by any person traveling or being upon its said wagon road or any bridge constituting a part thereof, caused by the improper construction of such road or bridge, or want of reasonable diligence of the keeping the same in repair: and * * * said city shall cause said wagon road to be * * * lighted *from sunset to twelve o'clock, P. M.*, with gas or electricity, *by lights placed every five hundred feet, commencing at the north end of the approach of the bridge across the*

Mississippi river, of at least thirty-two candle power incandescent light each, if lighted by electricity, or if lighted by gas, said lights shall each be of a candle power equal to a thirty-two candle power incandescent electric light said lights to burn on a moonlight schedule the same as in said city of Winona; and the said city of Winona shall appoint in writing a suitable person, who shall reside in the said county of Buffalo, as its agent or attorney, upon whom service of process for the commencement of actions to recover damages for any such injuries *may be made;* and service of such process *upon such agent or attorney* in the manner prescribed by law for the service of process in civil actions upon persons within this state, shall be deemed a service upon said city of Winona. Such appointment shall be deposited and filed in the office of the county clerk of said county of Buffalo. A failure to appoint and have an agent of said city in said county, as herein provided, or to pay any judgment recorded against it under the provisions hereof, or to cause said wagon road to be * * * lighted as above provided, shall operate as a revocation of all rights or authority conferred upon or granted to said city by the provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 85, S.] [Published June 24, 1905.

CHAPTER 451.

AN ACT to amend section 1971, of the statutes of 1898, as amended by chapter 192, of the laws of 1899, relating to forms for and publication of statements of insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioner to furnish forms; publication. SECTION 1. Section 1971 of the statutes of 1898, as amended by chapter 192, of the laws of 1899, is hereby amended as to read as follows: Section 1971. The commissioner of insurance shall prepare and

furnish to each insurance corporation organized under the laws of this state and to the attorneys of corporations incorporated in other states and countries, doing any business of insurance in this state, printed forms of annual and other statements as required by law to be made by such corporations, and may make such changes in such forms as shall seem best adapted to elicit from them a true exhibit of their condition in relation to the matters required by law to be reported to him; and all such corporations shall make such statements as required by said commissioner; and he may, for such reasons as he shall deem sufficient, extend the time for filing such annual statements, but not exceeding sixty days. He shall cause the information contained in such statements to be arranged in tabular form and publish the same with his report. * * * *He shall during the first week of the months of January, April, July and October of each year hereafter cause to be published in the official state paper and in one other daily paper, which, in his judgment, will give information to the greatest number, by one insertion in each such newspaper, a statement over his signature, containing the names of such insurance corporations as have complied with all the laws of this state, relating to such corporations and are duly licensed and authorized to transact business therein.*

Amount allowed. SECTION 2. The total annual expense for such publication shall not exceed the sum of four hundred dollars.

Appropriation. SECTION 3. There is hereby appropriated for such purpose out of any moneys in the state treasury not otherwise appropriated the sum of four hundred dollars per annum.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 194, S.] [Published June 24, 1905.

CHAPTER 452.

AN ACT to appropriate certain sums of money to the several charitable, penal and reformatory institutions of the state herein named, for the purposes herein specified.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations. SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the several charitable, penal and reformatory institutions of this state the sums of money herein named for the purposes hereinafter specified:

To the State Hospital for the insane, for electric lighting plant, cold storage, furnishing new dining room and refitting, twenty thousand dollars.

To the Northern Hospital for the insane, for sewage disposal and new sewer, and refitting, eight thousand dollars.

To the School for the Deaf, for barn, cold storage and refitting, five thousand dollars.

To the Wisconsin Industrial School for boys, for completing tunnel, extending cow barn, and for repairs, eight thousand dollars.

To the Wisconsin State Prison, for constructing new cell house, new pump and storage reservoir, cold storage and reconstructing center house, fifty-eight thousand dollars.

To the State Public School, for tunnel, fifteen hundred dollars.

To the Wisconsin Home for Feeble Minded, for a dormitory, tunnels and improvements, forty-five thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 203, S.] [Published June 24, 1905.

CHAPTER 453.

AN ACT to provide for the payment of special assessments for the construction of sewers in cities operating under special charters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cities operating under special charter. SECTION 1. All cities of this state, operating under a special charter which does not contain any provisions covered by the provisions of this act, may when a contract is let for the construction of any sewer or drain, and such work or a portion thereof is chargeable to the real estate abutting thereon or benefited thereby, the council of such city may provide that the amount so chargeable may be paid with certificates against the lots, or in special improvement bonds or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash and part in special improvement bonds or the proceeds thereof.

Notice of issuance of bonds. SECTION 2. As soon as the amount chargeable to the real estate is finally determined, the council may cause a notice to be published in the official newspaper, substantially in the following form:

"IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS."

Notice is hereby given that a contract has been (or is about to be) let for ———— (describe the work and street) and that the expense of said sewer or drain chargeable to the real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable only to the real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk within thirty days after the date thereof, a written notice that they elect to pay the special assessments, or a part thereof, on their property, describing the same, on presentation of the certificates.

Bonds, issue of. SECTION 3. After the expiration of said thirty days, the council may issue sewer bonds covering all of the assessments, except such as the owners have filed notice of election to pay, as provided in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that they are chargeable only to particular property, specifying the same, and the number and amount of said bonds, and such other provisions as the council shall think proper to insert; such bonds shall in no event be a general city liability.

Bonds, sale and payment of. SECTION 4. Said bonds shall be semi-annual interest coupon bonds, payable in annual installments, the last of which installments shall be payable at such time as the council may determine, not exceeding ten years from the first day of March next ensuing, and shall draw interest at a rate not exceeding six per cent. per annum, payable semi-annually. Any portion or annual installment of said bonds may be sold by the council at not less than par, and the proceeds, when collected by the city treasurer, shall be credited to the special fund and may be paid to the contractor for work when such proceeds are due him and the council shall so direct, or the contractor may take such bonds as payment for the work done at their par value, with accrued interest, with the permission of the council, and in case said bonds cannot be sold for a rate of interest of six per cent, or less, the contractor shall accept said bonds at par, as part payment for the doing of said work.

City clerk to issue statement; record. SECTION 5. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office.

City treasurer to pay interest on bonds out of special fund. SECTION 6. The city treasurer shall, out of the special fund hereby created for that purpose, pay the interest on and the principal of said bonds as the same become due and charge the same to said fund.

Levy of annual tax to meet interest and installments. SECTION 7. In each year after the issuing of said bonds, until all of them are paid, when the tax roll for the year is prepared,

sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual installment of the principal and the interest on the amount of said special assessment, then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other special tax, and when collected the same shall be a special fund for the payment of such bonds and interest, and shall be used for no other purpose. Any bondholder or bondholders may redeem from any tax sale, as fully as if owners of the land, under section 1165.

Sections of statutes made applicable. SECTION 8. Sections 925—197 and 925—197a are hereby made applicable to this act as if the same were herein specifically set forth.

Notice of payment; certificate. SECTION 9. In case any property owner shall have filed a notice electing to pay his special assessment, the same shall become due and payable at any time after the expiration of thirty days from the giving of the notice mentioned in section 2 of this act, and in case of failure to make the payment according to such election, said city shall issue a special assessment certificate in the manner provided in its charter for the construction of sewers and drains, which said certificate shall draw interest at the rate of six per cent. from the time of the sale of the special sewer bonds if any are issued, otherwise from the date of the certificate, and the contractor shall receive said certificate as part payment for the construction of said sewer or drain.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 261, S.] [Published June 24, 1905.

CHAPTER 454.

AN ACT to provide for the registry of electors in cities, villages and towns in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registration of electors. SECTION 1. There is hereby enacted a new section to the statutes of 1898, to be numbered and read as follows: Section 23a. The provisions of section 23 of the statutes of 1898, shall apply to all general and municipal elections and annual town meetings in all cities, villages and towns, not therein provided for, the electors of which shall vote to adopt the same in the manner hereinafter provided.

Vote to adopt registration system; election. SECTION 2. Such vote shall be taken at any general or municipal election or annual town meeting whenever a number of the qualified electors of any such city, village or town equal to or more than ten per centum of the number of the votes cast therein for governor at the last general election shall present to the clerk thereof a petition in writing, signed by them, praying that the electors thereof may have submitted the question of whether or not the provisions of said section 23 shall be adopted by said city, village or town respectively. Notice of such election shall be given in cities in the same manner as provided by law for the giving of notice of an annual or municipal election therein and in villages and towns by posting notices in at least three public places in said village or town not less than ten days before the day of such general or municipal election or annual town meeting. The election on such question shall be held and conducted and the returns canvassed in the same manner as elections in such city, village, and elections and town-meetings in such town are held, conducted and canvassed, respectively.

Ballots, how printed. SECTION 3. The ballots upon the question so submitted shall be deposited in a separte ballot box and shall contain the words:

"for registration" ☐

"against registration" ☐

If a majority of all the votes cast on that question shall be for registration, then said section 23 shall apply to all annual and municipal elections and annual town meetings thereafter held in said city, village or town, until the electors thereof shall in the same manner determine to the contrary and all the provisions of law relating to the manner of making and conducting registration in cities, villages and towns shall apply to such city, village or town respectively.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 304, S.] [Published June 24, 1905.

CHAPTER 455.

AN ACT to amend subdivision second of section 1220, statutes of 1898, as amended by section 1, chapter 326, laws of 1899, and by chapter 21, laws of 1901, relating to the annual license or tax to be paid by life insurance companies of other states and countries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Annual license or tax to be paid by foreign life insurance companies. SECTION 1. Subdivision second of section 1220, statutes of 1898, as ameneded by section 1, chapter 326, laws of 1899, and by chapter 21, laws of 1901, is hereby amended by inserting after the word "pay" in the third line, the words after January 1, 1908, and by striking out all after the word "fee" in the fourth line and inserting in place thereof the following: three percentum on all premium receipts, which shall include single premiums, annuity premiums, premiums received for renewal, revival or re-instatement of policies, annual and periodical premiums, dividends applied for premiums and additions, and all other premium payments received during the preceding year on all policies which have been written in or on the lives of residents of this state; such license fee shall be in lieu

of all retaliatory and other fees and taxes, except taxes on real estate, fee for filing first declaration or statement with charter, and fees for agents' licenses, so that when so amended it shall read as follows: Second. If any such company, corporation or association is organized without the state of Wisconsin, and is not purely an assessment company, it shall *after January 1, 1908*, pay into the state treasury as such annual license fee *three per centum on all premium receipts, which shall include single premiums, annuity premiums, premiums received for renewal, revival or reinstatement of policies, annual and periodical premiums, dividends applied for premiums and additions, and all other premium payments received during the preceding year on all policies which have been written in, or on the lives of residents of this state; such license fee shall be in lieu of all retaliatory and other fees and taxes except taxes on real estate, fee for filing first declaration or statement with charter, and fees for agents' licenses* * * *.

SECTION 2. This act shall take effect and be in force from and after January first, 1908.

Approved June 19, 1905.

No. 358, S.] [Published June 24, 1905.

CHAPTER 456.

AN ACT to amend chapter 271, laws of 1901, relating to divorce.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge may authorize re-marriage. SECTION 1. Section 1 of chapter 271 of the laws of 1901 is hereby amended so as to read as follows: Section 1. Section 2330 of the statutes of 1898 is hereby amended by adding thereto the following: and it shall not be lawful for any person divorced from the bonds of matrimony by any court of this state to marry again within one year from the date of the entry of such judgment or decree and the marriage of any divorced person solemnized within one year from the date of the entry of any such judgment or decree of

divorce shall be null and void. *Providing that the circuit judge who granted the divorce, upon application of both parties to any divorce action, may, in his discretion, by order, authorize the remarriage of such divorced persons to each other within the year.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 367, S.] [Published June 24, 1905.

CHAPTER 457.

AN ACT to authorize E. H. Van Ostrand, T. J. Roberts and M. J. Wallrich, their heirs, associates and assigns, to build and maintain a dam across the Wolf river on the east half of the southwest quarter of section ten (10), in township thirty-one (31) north of range fourteen (14) east, in Langlade county, Wisconsin, for the purpose of improving the navigation of said river and of creating hydraulic power and using the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. E. H. Van Ostrand, T. J. Roberts and M. J. Wallrich, their heirs, associates and assigns, are hereby authorized to build and maintain a dam, not exceeding twenty-six (26) feet in height, across the Wolf river on any lands that they may own, possess or control on the east half of the southwest quarter of section ten (10) in township thirty-one (31) north of range fourteen (14) east, in Langlade county, Wisconsin.

Purposes for which granted. SECTION 2. They may use such dam for the purpose of driving, booming and storing of logs and timber and improving the navigation of said river. If any water power shall be created by said dam, not necessary for the purpose of driving of logs and timber or the improvement of the

navigation of said river, the said E. H. Van Ostrand, T. J. Roberts and M. J. Wallrich, their heirs, associates and assigns, shall have the right to use, lease and dispose of such surplus water power in conducting and carrying on any manufacturing business, and for that purpose may build raceways and flumes and all other equipment necessary to develop and use such surplus power for such purposes.

Powers conferred. SECTION 3. In order to build and maintain said dam and use the same for the purposes herein specified, the said E. H. Van Ostrand, T. J. Roberts and M. J. Wallrich, their heirs, associates and assigns, shall have the right to take and overflow and use any lands or riparian rights not owned or controlled by them, and may acquire title to any such lands or riparian rights and the right to control and use the same for said purposes by and through proceedings of condemnation under the power of eminent domain as provided in sections 1777a, 1777b, 1777c, 1777d and 1777e of the statutes of 1898, and said statutes and acts amendatory thereof are hereby made applicable to said dam and the acquisition of the title or right to use any lands or riparian rights for the purpose of building, maintaining and using said dam for the purposes hereinbefore specified.

How constructed. SECTION 4. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Wolf river. And said E. H. Van Ostrand, T. J. Roberts and M. J. Wallrich, their heirs, associates and assigns, shall build, maintain and keep in repair suitable slides and chutes in said dam, for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient, unobstructed channel for the free passage of logs and timber products through the pond created by said dam; and all logs and timber products destined to points below said dam shall be taken by the owners of said dam when they reach the flowage thereof, or reach any jam that may be caused by the stopping of logs by the works or pond of the owners of said dam, and shall be driven by such owners free of charge, and with reasonable dispatch through said flowage and pond and over said dam.

Floods, discharge of. SECTION 5. Said dam shall be so constructed and maintained as to be capable of permitting the free and uninterrupted passage through or over the same of any or

all floods discharged by any flooding dam further up said river for the purpose of assisting in and facilitating the driving of logs and other timber products below said dam authorized by this act, and the owners of said dam shall so maintain and operate it as to permit the free passage of all such floods without substantial impairment of their effectiveness, in assisting in the driving of logs and timber products down said river, and shall be liable in damages to any person or corporation injured by failure to comply with this section.

Fishway. SECTION 6. The dam so erected shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said stream. In case the owner or owners of said dam shall neglect or refuse to keep in repair or to keep open such fishway, as required by the provisions of this act, they shall upon conviction thereof, be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

Legislative rights reserved. SECTION 7. The right is hereby reserved to the legislature to repeal or modify this act at any time.

Conditions of grant. SECTION 8. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied, in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the

use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 9. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as hereby provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

SECTION 10.. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 19, 1905.

No. 379, S.] [Published June 24, 1905.

CHAPTER 458.

AN ACT to enable county boards of supervisors to appropriate money to assist organizations for immigration purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board may appropriate money. SECTION 1. The board of supervisors of any county is hereby authorized to appropriate money for the purpose of assisting any county association of the citizens of such county, or any association composed of the citizens of two or more counties of which the citizens of such county may be members, organized solely for the purpose of inducing immigration to the state.

Limit of amount. SECTION 2. The appropriation of money provided for in section one of this act shall be paid from the general fund of the county making the appropriation, but in no case shall any county board appropriate to exceed the sum of one thousand dollars in any one year for all such purposes.

Disbursement, manner of. SECTION 3. The disbursement of any appropriation made under this act by any board of supervisors shall be under the supervision of the chairman of said board, the county clerk and county treasurer of the county making such appropriation, and in all cases after such an appropriation shall have been made, there shall be filed with the said county clerk a sworn statement by the treasurer of the immigration society for whose benefit the appropriation shall have been made, showing that the amount of said appropriation has been used by said association for the purpose of inducing immigration to the county making said appropriation and to adjoining counties, and itemized bills for the expenditure of a sum equal to said appropriation duly verified shall accompany such statement of said treasurer. Upon the approval of such statement and such itemized bills, by the county officers above named, said appropriation shall be paid by the proper officers of the county making the same into the treasury of said immigration association.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 431, S.] [Published June 24, 1905.

CHAPTER 459.

AN ACT relating to the electricity and gas in cities and villages and empowering cities and villages to inspect the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Gas inspection. SECTION 1. All cities and villages in this state are hereby empowered to inspect the quality of gas furnished by gas companies in all such cities and villages. The gas of every company which supplies more than fifty consumers shall be inspected at least twice a year and once additional for every six million cubic feet of gas supplied by each company, but not oftener than once a week. The gas shall be tested for illuminating power by means of a disc photometer, and during such test shall be burned from a burner best adapted to it, which is at the same time suitable for domestic use, and at as near the rate of five feet an hour as practicable. The gas shall also be tested in some proper and scientific manner for the heating qualities thereof.

Room for inspection to be provided. SECTION 2. Every gaslight company shall annually manufacture more than fifteen million cubic feet of gas made and sold for illuminating purposes and heating purposes shall provide a suitable room, at least one quarter of a mile from the gas works containing such apparatus for testing purposes as the authorities of each city or village shall direct. Said rooms shall be open to all city authorities from seven o'clock in the morning until eight o'clock at night.

Tests, character of. SECTION 3. Said examinations and tests shall also determine the amount of sulphur, ammonia and hot air per hundred cubic feet of gas and the presence of sulphuretted hydrogen. Said examinations shall also determine the evenness, uniformity and regularity of the pressure. If companies make less gas than is herein prescribed then such tests may be made in such manner as such city authorities or officers shall direct.

Penalty, when applied. SECTION 4. If the gas of any company is found upon three consecutive inspections to give less light than sixteen standard English candles or to contain more than twenty grains of sulphur or ten grains of ammonia per hundred cubic feet or any sulphurretted hydrogen, it shall be subject to the penalty hereinafter provided.

State chemist to determine standard. SECTION 5. The state chemist designated by the state dairy and food commissioner is hereby directed to determine a standard of testing power. evenness of pressure, and as to amount of hot air in all gas and the heating value thereof, which when so determined shall be the state standard until thereafter altered or corrected by such official. He shall thereafter notify the cities and villages of the state of said standard so adopted and the different municipalities are hereby given authority to make standards for testing power, evenness of pressure and as to the amount of hot air in all gas. Violations of such provisions, regulations or ordinances shall be punished in the manner prescribed in section seven of this act.

Electric light plants may be examined. SECTION 6. Any city or village is hereby authorized to examine or cause to be examined all public electric light plants of whatever kind furnishing electric light of any kind to any city or village and to make tests of the manner of recording the amount of electricity sold or furnished to any city or village. Every city or village is empowered to examine at any time all machinery, mechanisms and appliances necessary to ascertain the true amount of electric power or light furnished to any city or village.

Forfeiture. SECTION 7. If it shall be proven, upon three consecutive tests, that the quality of such electric light or such gas is violating any contract with any city, village, person, company or corporation, either as to ingredients or as to quality then any person or corporation owning such plant or plants or having any franchise from the municipality shall be subject to a forfeiture of one hundred dollars ($100.00) for each and every offense against the provisions of this act, to be recovered as other actions of forfeiture, one-half of the sum so recovered to be paid to the prosecuting witness and the remainder thereof to the municipality granting the franchise.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 534, S.] [Published June 26, 1905.

CHAPTER 460.

AN ACT to declare the policy of the state in reference to dams on the Brule river and its tributaries in the county of Douglas, state of Wisconsin; to repeal all acts authorizing the construction of dams on the Brule river or its tributaries in said county, and to prevent corporations organized under chapter 86 of the laws of 1898 from exercising any of the powers or privileges authorized or conferred by sections 1777, 1777a, 1777b, 1777c, 1777d, 1777e and 1777f, in and upon, across or along Brule river or its tributaries in the county of Douglas, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dams on Brule river prohibited. SECTION 1. It is hereby declared to be the purpose and policy of the state to forever prohibit the building or maintaining of any dam or dams upon the Brule river or any of its tributaries in Douglas county, Wisconsin, and all rights, privileges and franchises heretofore granted to any person or corporation authorizing the improvement of said Brule river or its tributaries in said county of Douglas for any purpose whatever, are hereby repealed and declared void, whether granted by special act or under general law. It is further declared that it shall be the policy of the state to form a forest reserve of lands about and along the said Brule river and its tributaries. Provided that nothing herein contained shall apply to or in any manner affect or interfere with the rights granted by chapter 181 of the laws of Wisconsin for the year 1903, nor shall this act be construed as recognizing any rights or privileges as having been granted or as now existing under or by virtue of said chapter 181.

Corporate powers withdrawn. SECTION 2. Hereafter no corporation organized under chapter 86 of the statutes of 1898, shall be empowered to exercise any of the powers or privileges authorized or conferred by sections 1777, 1777a, 1777b, 1777c, 1777d, 1777e, 1777f of the statutes of 1898 in, upon, across or

along the Brule river or any of its tributaries in the county of Douglas, state of Wisconsin.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 548, S.] [Published June 26, 1905.

CHAPTER 461.

AN ACT to provide fishways in dams, booms, piers and other obstructions in the streams and rivers of this state, adopting a specified fishway and providing a punishment for failure to comply.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishways in dams, booms and piers required. SECTION 1. It is hereby made the duty of all and every person, persons, firms or corporations owning, managing, occupying or having in charge, any dam, boom, pier or other obstruction of any kind whatsoever, in, on or across any stream or river inhabited by any kind of game fish, to construct and maintain in or upon such dam, boom, pier or other obstruction a fishway of the kind hereinafter adopted, within three months after said owner, occupant, manager, person, or persons having the charge or control of any such dam, boom, pier or other obstruction, shall have been notified in writing by the commissioners of fisheries of the state of Wisconsin, to build and construct such fishway or fishways.

Fishway to be kept open and in repair. SECTION 2. It shall be the duty of each and every person, persons, firm or corporation owning, managing, occupying or having in charge any such dam, boom, pier or other obstruction in or across any stream or river in this state inhabited by any kind of game fish, to keep and maintain such fishway in good repair and open for the easy and free passage of fish up and down such streams or rivers.

from the first day of March until the first day of June next ensuing in each and every year after said fishways have been built and constructed.

Regulation fishway defined. SECTION 3. The fishway known as the "Nova Scotia Patented Fishway," of which plans and specifications are on file with the commissioners of fisheries of this state, is hereby approved and adopted as the regulation fishway to be placed in such dams, booms, piers and other obstructions coming within the provisions of this act, and it is hereby made the duty of the commissioners of fisheries to furnish free of expense to any person or corporation required to place such fishway in his or its dam, boom, pier or other obstruction, the plans and specifications of the fishway hereby adopted. The commissioners shall between the first day of August and the first day of October next ensuing in each year cause all dams, booms, piers or other obstructions in rivers inhabited by any kind of game fish, to be examined and shall order such fishways to be placed therein and shall prescribe the location for such fishway as near as practicable and such fishways shall be placed in the location prescribed by the commisisoners.

Penalty. SECTION 4. Any person, persons, firm or corporation, who or which shall neglect or refuse to construct and build or who or which shall neglect or refuse to maintain and keep in repair, after such fishway has been built and constructed, or who or which shall neglect or fail to keep such fishway open so as to permit fish to pass up and down the streams or rivers between the first day of March and the first day of June next ensuing in each year, shall forfeit to the state of Wisconsin a sum not less than twenty-five dollars nor more than one hundred dollars for each week that he, they or it shall fail to construct such fishway after being legally notified to do so after the expiration of the time in which to build such fishways has expired, or for each week he, they or it shall fail to maintain and keep such fishway in repair, after being notified by the commissioners to make such repair, or for each week that he, they or it shall fail to keep such fishway open for the free passage of fish between the first day of March and the first day of June ensuing in each year, and the costs of suit, the same to be recovered in a civil action brought in the name of the state of Wisconsin by the state fish and game warden.

Conflicting laws repealed. SECTION 5. All acts or parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 561, S.] [Published June 26, 1905.

CHAPTER 462.

AN ACT to provide compensation for the officiating chaplains of the senate and assembly for the session of 1905, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation per week. SECTION 1. There is hereby appropriated to each and every clergyman who has or may hereafter officiate as chaplain of the senate and assembly, the sum of three dollars for each day of such service during the session of the legislature for the year 1905. The payments shall be made upon the certificates of the chief clerks of the senate and assembly showing the amount to which each such chaplain is entitled.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 562, S.] [Published June 26, 1905.

CHAPTER 463.

AN ACT to amend chapter 569 of the laws of 1901 entitled "An act to detach certain territory from the county of Chippewa and to create the county of Gates."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Rusk county. SECTION 1. Amend chapter 469 of the laws of 1901 by striking out the word "Gates" wherever the same occurs in said chapter and insert in lieu thereof the word "*Rusk.*"

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 144, S.] [Published June 26, 1905.

CHAPTER 464.

AN ACT to authorize the construction and maintenance of a dam across the Wisconsin river in section thirty (30), township thirty three (33) north, in range six (6) east, in Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers granted. SECTION 1. Power and authority are hereby granted unto E. T. Harmon, L. N. Anson, Ben Heineman and John O'Day, and their associates, heirs and assigns, for the purposes hereinafter stated, to build and maintain a dam across the Wisconsin river, not exceding thirty-two (32) feet in height on any lands that they now own, possess or control, in government lots numbered two (2), three (3), six (6) and seven (7), in section thirty (30), township thirty-three (33) north, of

range six (6) east, in Lincoln county, Wisconsin, and also to erect and maintain booms, piers and other suitable booms, piers and other suitable structures for the sorting, holding and handling of logs and other floatables in said river, at and above said dam. They shall not, however, by said dam create any pond or flowage extending up said river further than the east line of section sixteen (16) in said township.

Purpose. SECTION 2. The said power and authority are granted for the purpose of enabling said grantees to improve the navigation of said Wisconsin river, and to provide for the driving, booming, storing and handling of logs and other floatables in said river, and to accomplish any other public purpose that may be thereby subserved. If any water power shall be created by said dam which may be used for hydraulic purposes, without hindering the accomplishment of the public purposes of this act, the same may be used for the purpose of carrying on any manufacturing or other business, or for the generation of electrical power, and for that purpose they may build such race ways, flumes, wheel pits, buildings and other structures as are necessary to develop and use such water power.

Powers conferred. SECTION 3. Said grantees, their associates, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary for the accomplishment of the public purposes hereinbefore specified, may exercise all powers granted to corporations by section 1777a to 1777d inclusive of the statutes of the state of Wisconsin of 1898, and such amendments thereto as may have been, or may be made.

Restrictions. SECTION 4. Said dam shall be so constructed, maintained and operated as not to hinder, impede or obstruct the free navigation of the Wisconsin river. The said grantees shall build, maintain, and keep in repair suitable slides and chutes in said dam for the running of logs and other timber products over the same, sufficient in capacity to accommodate all such logs and products as may be floated down said river, and shall maintain a sufficient unobstructed channel for the passage of all logs and other floatables through the pond created by said dam, and all logs and other floatables destined to points below the said dam shall be taken by the owners of said dam when they reach the flowage of the pond created thereby, or reach any jam that may be caused by the stopping of logs or other floatables by the works or pond of such owners, and be

driven free of charge, and with reasonable dispatch, through said flowage and pond and over said dam. The provisions of section 1601 of the Wisconsin statutes shall not apply to said dam.

Rights reserved; act construed. SECTION 5. The improvement of navigation under this act shall not diminish the right of the Wisconsin River Improvement Company to collect tolls for the use of all improvements of the navigation of said river heretofore effected by said company, but said company shall not interfere with the erection and maintenance of said dam in accordance with this act, and this act shall be construed as amending all previous acts in conflict herewith.

Fishways. SECTION 6. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall, at all times, be kept in good repair and open for the free and easy passage of fish up and down said dam. In case the owners of said dam shall neglect or refuse to construct or keep in repair and maintain such fishway as required by this act, they shall, upon conviction thereof, be fined not less than twenty-five (25.00) dollars, nor more than one hundred (100 00) dollars.

Legislative rights reserved. SECTION 7. The right is hereby reserved to the legislature to repeal or amend this act at any time.

Conditions of grant. SECTION 8. This act is passed in consideration of, and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed it must be maintained and operated continuously, and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding, expressed or implied in violation of any law of this state or of the United States.

4. In case the owners thereof desire to let, lease or rent, or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or any lawful

private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owners of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who together shall constitute the arbitrators, and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing, and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise forfeit. SECTION 9. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as herein provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

SECTION 10. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state by the person or persons to whom the franchise is hereby granted, of a written acceptance of the conditions herein contained.

Approved June 20, 1905.

No. 507, S.] [Published June 26, 1905.

CHAPTER 465.

AN ACT to appropriate to the commissioners of fisheries five thousand dollars for the purpose of erecting and constructing a permanent hatchery building at or near Minocqua, Wisconsin, and for the making of such other improvements as are needed at said hatchery.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated out of the hunting license fund to the commissioners of fisheries of the state of Wisconsin, the sum of five thousand dollars to become available October 1, 1906, for the purpose of erecting and constructing a permanent hatchery building at or near Minocqua, Wisconsin, and for making such other improvements as are needed at said hatchery, and to improve the ponds and grounds used in connection with said hatchery.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 541, S.] [Published June 26, 1905.

CHAPTER 466.

AN ACT regulating fishing and providing a license for using nets in that part of the St. Croix river known as Lake St. Croix, and that part of the Mississippi river known as Lake Pepin, under certain restrictions, and providing a penalty for violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Use of net in Lake St. Croix and Lake Pepin. SECTION 1. It shall be unlawful and is hereby prohibited to take, catch or

kill in any manner, or by any device whatever, any black bass or wall-eyed pike in that part of the St. Croix river known as Lake St. Croix and that part of the Mississippi river known as Lake Pepin, between the first day of March and the twenty-fifth day of May next succeeding, or to take, catch or kill during the open season any of said named fish by any other method than by angling or trolling in said waters.

Penalty. SECTION 2. Any person violating any of the provisions of section 1 of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of the prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

License may be issued how. SECTION 3. It shall be unlawful to take any fish from the aforesaid waters by any other method than by angling or trolling, except that spears may be used to take fish other than those above enumerated, without first having procured a license therefor as hereinafter provided. The state fish and game warden shall, upon application therefor, issue to any person a license to set, use and operate seines, pound nets, fyke or hoop nets, and gill nets of not less than three and one-half inch bar in the aforesaid waters for the purpose of catching and taking all fish not above enumerated. Such nets not to be set, used or operated except as hereinafter provided and then only in compliance with such rules and regulations as may be hereafter prescribed by law. Every licensee shall immediately return to the waters from which the same may have been taken all fish above enumerated when taken in any net used by him or under his supervision or control. Licenses issued under the provisions of this section shall expire on the first day of April succeeding the date of their issuance, and shall not be transferable. Any person or persons desiring to obtain a license to set, use or operate a net or nets under the provisions of this section shall make application to the state fish and game warden therefor, upon blanks to be furnished by the game warden department, and shall accompany such application with a fee of five dollars for each two thousand lineal feet of gill net or fraction thereof, each seven hundred lineal feet of pound net leaders or fraction thereof, each five hundred lineal feet of seine or fraction thereof, or for each fyke or hoop net. Before any such

license shall be issued, the applicant shall execute and deliver to the state fish and game warden a bond running to the state of Wisconsin, in the sum of two hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this section and the rules and regulations which may hereafter be prescribed by law, said obligations to be null and void, otherwise to remain in full force, each such surety shall be worth at least the sum of two hundred dollars in property in this state, over and above all debts and liabilities and property exempt by law from sale on execution. The state fish and game warden shall keep a complete record in his office of all licenses issued under this section and all moneys received for same shall be paid to the state treasurer and shall become a part of the hunting license fund.

Penalty. SECTION 4. Any person who shall take, catch or kill fish, or attempt to take, catch or kill fish, in the aforesaid waters without first complying with the provisions of section 3 of this act, or who shall fail to at once return to the aforesaid waters any fish not permitted to be taken under section 1 of this act, shall be deemed guilty of a misdemeanor and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail in the county in which such offense was committed, not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Temporary fish ponds may be constructed. SECTION 5. Licensees operating nets under the provisions of this act are hereby permitted to construct temporary fish ponds in any of the bayous immediately connected with said waters for the purpose of keeping fish therein until same can be marketed; provided that fish so taken may be shipped to points within or without this state at any time and in any quantities.

SECTION 6. This act shall take effect and be in force from and after thirty days from and after its passage and publication.

Approved June 20, 1905.

No. 547, S.] [Published June 26, 1905.

CHAPTER 467.

AN ACT appropriating to Oscar F. Fiebing and Henry J. Killilea, co-partners doing business under the firm name of Fiebing & Killilea, the sum of fifty-nine ($59.00) dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to Oscar J. Fiebing and Henry J. Killilea, co-partners doing business under the firm name of Fiebing & Killilea, as attorneys for Paul D. Carpenter, the sum of fifty-nine ($59.00) dollars, the same being in payment of a judgment for costs rendered by the supreme court of the state of Wisconsin in favor of said Paul D. Carpenter and against the state of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June, 20 1905.

No. 563, S.] [Published June 26, 1905.

CHAPTER 468.

AN ACT to authorize temporary transfer from the general fund to the university fund income.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer authorized. SECTION 1. The secretary of state, with the approval of the governor, is authorized to transfer, after the beginning of the fiscal year beginning July 1, 1905, and before the collection of the tax provided for the support

of the university, for such fiscal year, from the general fund to the university fund income, such sum or sums as may be found necessary for the current expenses of the university; but immediately upon the collection of such tax for the support of the university, shall repay the same to the general fund therefrom, by proper transfer.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 382, A.] [Published June 26, 1905.

CHAPTER 469.

AN ACT to authorize cities of the first class owning and operating a water works plant or system to apply surplus earnings of said system to the general fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus earnings of water works plant. SECTION 1. The common council of any city of the first class, whether operating under a general or special charter, owning and operating a water plant or system may by resolution duly passed appropriate the surplus earnings of water works, plant or systems to the general fund, provided, however, that in case there is a bonded indebtedness against said water works, plant or system, then and in that case not any of such surplus earnings shall be appropriated and used as above stated, unless there is on hand a sufficient sum of money to pay two years installment on principal and interest. Provided, that the amount of surplus earnings of such waterworks so apportioned, shall not exceed the amount such city shall have raised by general taxation and expended in the construction of such waterworks system, or in payment of bonds issued for the construction thereof, with interest thereon from the time such money was so expended or paid at the then current rates of interest or at the rate of interest such bonds shall have borne.

Water rates, city departments, schools and parks when exempt from. SECTION 2. Whenever the surplus water fund of any such city is sufficient or shall exceed the sum required to pay two years installment on principal and interest of its bonded indebtedness then and in that case the common council in any such city may by resolution or ordinance exempt the various city departments, public schools, parks and fountains of such city from paying water rates.

Conflicting provisions repealed. SECTION 3. The provisions of any such city charter and all laws special or general inconsistent or in conflict herewith are hereby modified, amended or repealed to the extent necessary to give effect to the intent and purposes of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 19, 1905.

No. 197, A.] [Published June 26, 1905.

CHAPTER 470.

AN ACT to authorize the city of Greenwood to build and maintain a dam across the Black river in Clark county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. The city of Greenwood is hereby authorized and empowered to build, construct and maintain a dam across Black river on section thirty-four (34) in township twenty-seven (27), range two (2) west, in Clark county, state of Wisconsin, at such height as such common council may determine, not exceeding sixteen (16) feet above low water mark; said dam to be so constructed and maintained for the purpose of lighting, heating, pumping and other purposes. Provided that said dam shall be so constructed and maintained as not to obstruct or impede the running of logs or timber down said river, and that a suitable log slide, sufficient

in width, shall be maintained at the expense of the owner of said dam, together with such piers and guide booms as shall be necessary so as to pass all logs and timber down and over said log slide without hindrance or waste, and provided further that the dam erected under the provisions of this act shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, which shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river.

Powers conferred. SECTION 2. The said city of Greenwood, for the purpose of acquiring any flowage rights that it may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by sections 1777a to 1777d inclusive, of the statutes of 1898.

Legislative powers reserved. SECTION 3. The right to repeal or amend this act is hereby reserved.

Conditions of grant. SECTION 4. This act is passed in consideration of and upon the following express conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time, exceeding two years, at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied in violation of any law of this state or of the United States.

4. In case the owner thereof desires to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, it shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer and the two engi-

neers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise when forfeit. SECTION 5. The refusal of the owner to submit to arbitration, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee or lessees of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had, of such power or accumulation of water.

SECTION 6. This act shall take effect and be in force from and after its passage and publication, and the filing in the office of the secretary of state, by the city to whom the franchise is hereby given, of a written acceptance of the conditions herein contained, by the common council of said city.

Approved June 20, 1905.

No. 324, A.] [Published June 26, 1905.

CHAPTER 471.

AN ACT to continue the maintenance of the state hygienic laboratory at the state university in connection with the state board of health.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State hygienic laboratory continued. SECTION 1. There shall be continued for a period of two years at the state university in conjunction with the existing laboratories in bacteriology, the laboratory which was authorized by the legislature of 1903, chapter 344, section 4, known as the Wisconsin state hygienic laboratory.

State board of health to have use of. SECTION 2. The use of this laboratory so far as necessary for the purpose of carrying out the provisions of this act, and as arranged by the regents shall be given to the state board of health.

Purpose. SECTION 3. The purpose of this laboratory shall be to undertake the examination of water supplies for sanitary purposes, the examination of material from various contagious and infectious diseases with the purpose of aiding in the determination of proper diagnosis of such diseases, to examine into the nature and cause of disease outbreaks throughout the state, to study hygienic and sanitary problems relating to diseases and their dissemination or any other problems that bear directly or indirectly upon the public health.

Appropriation. SECTION 4. For the purpose of carrying out the provisions of this act the board of regents of the university shall appropriate from the university fund income the sum of two thousand dollars per annum for a period of two years.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 413, A.] [Published June 26, 1905.

CHAPTER 472.

AN ACT prohibiting legislative counsel and agents from attempting to influence members of the legislature other than by appearance before the committees therof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Personal lobbying prohibited. SECTION 1. It shall be unlawful for any person employed for a pecuniary consideration, to act as legislative counsel or legislative agent, as defined by chapter 243 of the laws of 1899, to attempt personally and directly to influence any member of the legislature to vote for or against any measure pending therein, otherwise than by appearing before the regular committees thereof, when in session, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs, delivered to each member of the legislature; provided, that before delivering such statement, argument, or brief, twenty-five copies thereof shall be first deposited with the secretary of state. No officer, agent, appointee, or employee, in the service of the state of Wisconsin, or of the United States, shall attempt to influence any member of the legislature to vote for or against any measure pending therein, affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of legislative counsel and legislative agents.

Lobbyists not to go upon the floor of either house. SECTION 2. It shall be unlawful for any person employed for a pecuniary consideration, to act as legislative counsel or legislative agent, as defined by chapter 243 of the laws of 1899, to go upon the floor of either house of the legislature, reserved for the members thereof, while in session, except upon the invitation of such house.

Penalty. SECTION 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the

county jail, not more than six months, and by a fine not exceeding two hundred dollars, provided, however, that this act shall not apply to legislative counsel or agents of any municipality in this state.

SECTION 4. This act shall take effect and be in force from and after July 1st, 1905.

Approved June 20, 1905.

No. 726, A.] [Published June 26, 1905.

CHAPTER 473.

AN ACT to provide for the canceling of checks or drafts of the state treasurer or warrants of the secretary of state when the same shall not be presented for payment or demanded within two years or more after their issue, and authorizing the state treasurer to cover into the state treasury all balances of money in the hands of the state depositories held for the payment of checks or warrants when no demand has been made therefor for a period of two years or more.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Checks or drafts may be cancelled when. SECTION 1. Whenever any check or draft drawn and issued by the state treasurer upon the funds of the state in any state depositories shall not be delivered or called for in two years after so issued and shall remain or be returned to the hands of the state treasurer without being paid, the state treasurer is hereby authorized to cancel the same, to credit the amount of such check or draft to the fund upon which it is drawn and charge the amount thereof to the state depository upon which it was drawn.

Warrants, when cancelled. SECTION 2. Whenever any warrant drawn upon the state treasurer by the secretary of state against any fund belonging to the state shall remain in the possession of the state treasurer or any other person without de-

mand of payment for two years after the same shall have been issued, or whenever a check is canceled by the state treasurer as provided in section one of this act, the warrant upon which such canceled check was issued shall be returned to the secretary of state and by him canceled and credited to the fund upon which it was drawn.

New warrant when to be issued. SECTION 3. When the payee or person entitled to any check or draft so canceled by the state treasurer, or the payee or person entitled to any warrant so canceled by the secretary of state, shall demand such check, draft or warrant or payment thereof, the secretary of state shall, and he is hereby authorized to, issue a new warrant therefor, to be paid out of the proper fund by the state treasurer.

Examination of depositories. SECTION 4. The state treasurer is hereby authorized and directed annually, on or before the first day of July of each year, to make an examination of the accounts of the state with each bank or institution which has heretofore been a state depository, and to cover back into the general fund of the state treasury all sums of money remaining in such banks which is held for payment of checks or drafts which have been issued by any state treasurer more than two years prior to such examination and which have not been presented for payment.

Checks or drafts, how stamped. SECTION 5. Hereafter the state treasurer shall cause to be plainly printed or stamped upon all checks and drafts issued by him, the words "void if not presented for payment within two years."

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

[o. 746, A.] [Published June 26, 1905.

CHAPTER 474.

AN ACT to provide for a review by the state board of assessment of assessments made by county boards under section 1073, of the statutes of 1898, and to repeal sections 1077a and 1077b of said statutes and chapter 10 of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Review of assessments authorized. SECTION 1. The assessment and determination of the relative value of taxable property in the several assessment districts of any county made by the county board under the provisions of section 1073, statutes of 1898, may be reviewed, and a redetermination of the value of such property may be made, by the state board of assessment upon appeal from the determination of such county board to said state board on behalf of any town, city or village in such county. Such appeal shall be taken and such review and redetermination shall be made in the manner provided in this act and under such rules and regulations governing the procedure therein, not inconsistent with law, as may be prescribed by said state board.

Appeal, how taken; attorneys. SECTION 2. To authorize such appeal an order or resolution directing the same to be taken shall be passed or adopted by the mayor and common council of the city, president and trustees of the village or board of supervisors of the town, in whose behalf such appeal is to be taken, at a lawful meeting of such governing body. When an appeal shall have been authorized the prosecution thereof shall be in charge of the chairman of the town, mayor of the city or president of the village in behalf of which the appeal is to be taken, unless otherwise directed by the body authorizing the appeal. The officers or committee in charge of such appeal may employ attorneys to conduct the same. After authorizing an appeal as provided above, any two or more of the towns, cities and villages in the same county may join in taking and prosecuting such appeal.

Declaration filed; what to specify; verification. SECTION 3. To accomplish such appeal there shall be filed in the office of the county clerk, within four months after the determination of the county board to be reviewed upon such appeal, a declaration in writing which shall set forth,

(1) That the town, city or village, naming the same, in whose behalf such review and redetermination is sought, appeals to the state board of assessment from the determination made by the county board under the provisions of said section 1073, specifying the date of such determination.

(2) Whether such appeal is for the purpose of obtaining a review and redetermination of the valuation of property in all the assessment districts of the county or of property in particular districts only, therein specified.

(3) Whether review and redetermination is desired as to real estate, or as to personal property, or both.

(4) That such appeal has been authorized by an order or resolution of the mayor and common council of the city, president and trustees of the village or board of supervisors of the town, city or village in whose behalf such appeal is taken.

(5) A plain and concise statement, without unnecessary repetition, of the facts constituting the grievance sought to be remedied upon such appeal.

The declaration shall be verified by the affidavit of the chairman of the town, mayor of the city or president of the village in whose behalf the appeal is taken, or by a member of the governing body thereof authorizing such appeal, in the manner that pleadings in courts of record may be verified. When two or more municipalities join in taking such appeal the verification may be made by the proper officer of any one of them.

County clerk to transmit record; notice of hearing. SECTION 4. Upon the filing of such declaration, the county clerk without delay shall prepare a certified copy thereof, together with a certified copy of the determination of the county board from which such appeal is taken and of the record of the proceedings of the board in relation thereto, and transmit such copies to the state board of assessment at the state capital. Upon receipt of such copies said state board shall make an order fixing a time and place for a preliminary hearing upon such appeal and shall transmit an attested copy of such order to such county clerk in time for giving the notice hereinafter required. Upon receipt of such order, said clerk, at least twenty days before the time fixed for such hearing, shall transmit by mail to each member

of the county board of such county a notice stating that such appeal has been taken, naming the municipality or municipalities in whose behalf the same is taken, and the time and place of such preliminary hearing. He shall file in his office a copy of such notice with his affidavit attached stating the fact and time of mailing the same to said members, and shall transmit to the state board of assessment a certified copy of such notice and affidavit.

Procedure upon appeal. SECTION 5. After the taking of such appeal, and not later than the time fixed for such preliminary hearing, unless such time be enlarged by order of the state board, any town, city or village may cause an appearance to be entered in its behalf before said board in support of such appeal and uniting with the appellant for the relief demanded; and by verified petition or statement showing grounds therefor may apply for other or further review and redetermination than that demanded in the declaration on such appeal. Within the like time any town, city or village in such county may in like manner have its appearance entered in opposition to such appeal and to the relief demanded. Such appearances shall be authorized in the manner for authorizing an appeal as provided in section 2. When so authorized the interests of the town, city or village authorizing the same shall be in the charge of the chairman, mayor or president thereof unless otherwise directed by the body authorizing such appearance; and attorneys may be employed in that behalf. In such appearances any two or more of the towns, cities and villages of said county may join if united in support of or in opposition to such appeal.

Determination of appeal; issue; further pleadings. SECTION 6. At the time fixed for such preliminary hearing, or at the time to which the same may be adjourned, the said state board shall determine whether such appeal shall be entertained or dismissed. For that purpose they shall consider such sworn statements as may be filed and such testimony and arguments as may be presented within such reasonable time as the board may fix for such presentation. If satisfied that no substantial injustice has been done in the county assessment appealed from, the board in its discretion may dismiss such appeal. If the appeal be not dismissed, the board, at such preliminary hearing or at the time to which it may be adjourned, shall make up the issues between the parties to such appeal and ascertain whether the review and redetermination sought by

such appeal shall extend to all or to a part only of the towns, cities and villages in such county, whether to real estate or personal property or to all taxable property therein; and for that purpose the board may require further statements in the nature of pleadings to be filed and may cause any statement filed, serving as a pleading, to be amended or made more definite and certain.

Board to determine facts; further investigation. SECTION 7. The said board shall then proceed to review and redetermine the value of property in such county in accordance with the issues as ascertained and made up under the provisions of the preceding section. They shall have authority in their discretion to include in such review and redetermination all of the taxable property in said county and to extend the same beyond the issues as made up on the preliminary hearing, if at any time during the progress of their investigations they shall be satisfied that such course is necessary in order to accomplish substantial justice and to secure relative equality as between all the assessment districts in such county. They shall make careful investigation of the quantity and value of taxable property in the several assessment districts to which such review and redetermination shall extend. For that purpose the board may employ such experts and other assistants as may be necessary, and fix their compensation. In making such investigations the said board, the members thereof, and all persons employed therein by the board shall have and possess all the power and authority possessed by assessors so far as applicable, including authority to administer oaths and to examine property owners and witnesses under oath as to the quantity and value of property subject to taxation belonging to any person or within any district to which the investigation shall extend.

Local hearings, how had. SECTION 8. The said board shall have authority in their discretion at any time before their final determination to appoint a time and place within such county at which they will hear evidence and arguments relevant to the matters under consideration upon such appeal. The time to be devoted to such hearings may be limited as the board in their discretion shall direct. At least ten days before the time fixed for such hearings, the board shall cause notice thereof to be mailed to the county clerk and to the attorney or other representative of each town, city and village in whose behalf an appearance has been entered in the matter of such appeal.

Witnesses, attendance of; contempt. SECTION 9. The said board and each of the members thereof shall have authority to issue subpoenas requiring the attendance of witnesses to produce books and papers and to give testimony at such times and places as may be designated therein. Witnesses summoned at the instance of such board or any of its memebrs shall be compensated at the rates provided by law for witnesses in courts of record, the same to be audited and paid the same as other claims against the state. upon the certificate of said board. If any person shall disobey any subpoena or refuse to be sworn or to make affirmation or to testify when lawfully required so to do under any of the provisions of this act, he may be proceeded against for contempt as provided in section 4066 of the statutes of 1898. If any property owner or other person shall make any false statement to said board or to any member thereof or to any person employed by them upon any matter under investigation under the provisions of this act, he shall be subject to all the forfeitures and penalties imposed by law for false statements to assessors and boards of review.

Determination; certificate, how filed. SECTION 10. The said state board, within four months from the making up of the issues upon the preliminary hearing, shall make its deterimnation upon such appeal and file a certificate thereof signed by the members or a majority of the members of such board in the office of the county clerk. In such determination and certificate the board shall set forth the relative value of the taxable property in each town, city and village of such county as found by them, and what sum, if any, shall be added to or deducted from the aggregate value of taxable property in each as fixed in the determination of the county board from which such appeal was taken in order to produce a relatively just and equitable county assessment. Such determination shall be final and conclusive.

County assessments not affected. SECTION 11. The determination of said state board shall not affect the validity of taxes apportioned in accordance with the county assessment from which such appeal was taken; but if it shall be determined upon such appeal that such county assessment is relatively unequal, such inequality shall be remedied and compensated in the apportionment of state and county taxes in such county next following the determination of said board in the following manner: Each town, city and village whose valua-

tion in such county assessment was determined by said state board to be relatively too high shall be credited a sum equal to the amount of taxes charged to it upon such unequal assessment in excess of the amount equitably chargeable thereto according to the determination of the state board; and each town, city and village whose valuation in such county assessment was determined by said state board to be relatively too low shall be charged, in addition to all other taxes, a sum equal to the difference between the amount charged thereto upon such unequal assessment and the amount which should have been charged thereto according to the determination of the state board.

Costs and expenses, how paid. SECTION 12. The said state board shall transmit to the county clerk with their determination on such appeal a statement of all expenses incurred therein by or at the instance of the board, which shall include the actual expenses of the members of such board, the compensation and actual expenses of all persons employed by them and the fees of officers employed and witnesses summoned at the instance of the board. A duplicate of such statement shall be filed in the office of the secretary of state. Such expenses shall be audited upon the certificate of the board, and paid out of the state treasury, in the first instance, as other claims against the state are audited and paid. The amount of such expenses shall be a special charge against such county and shall be included in the next apportionment and certification of state taxes and charges, and collected from such county, as other special charges are certified and collected. Unless otherwise directed by the state board in their determination upon such appeal, the county clerk, in the next apportionment of state and county taxes, shall apportión the amount of such special charges to and among the towns, cities and villages in such county whose relative valuations were increased in the determination of the board in proportion to the amount of such increase in each of them respectively. The apportionment of such expenses shall be set forth in the determination of the state board. The amount so apportioned to each such town, city and village shall be charged upon its tax roll and shall be collected and paid over to the county treasurer as other state taxes and special charges are collected and paid.

Conflicting laws repealed. SECTION 13. Sections 1077a and 1077b of the statutes of 1898 and chapter 10 of the laws of 1901

re hereby repealed, provided, however, that any proceeding ow pending under said repealed provisions shall proceed to nal determination the same as if this act had not been passed; nd provided further that appeals under the provisions of this ct from county assessments made in the year 1904 may be aken at any time within thirty days after the publication of his act, other provisions in this act to the contrary notwithtanding.

SECTION 14. This act shall take effect and be in force from nd after its passage and publication.

Approved June 20, 1905.

No. 758, A.] [Published June 26, 1905.

CHAPTER 475.

AN ACT to provide for ascertaining the amount of available water power in this state and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Water power; appropriation. SECTION 1. The geological nd natural history survey of the state of Wisconsin is diected to cause a survey to be made of the water powers of the tate for the purpose of ascertaining the amount of available ater power in this state, developed and undeveloped, and the ocation of the same. Such work may be done in conjunction ith the United States geological survey. Upon the completion f such survey a full report thereof shall be made to the governor for the use of the legislature. The sum of two thousand ve hundred dollars or so much thereof as may be necessary is ereby appropriated out of any money in the treasury not otherise appropriated, to defray the expense of such survey.

SECTION 2. This act shall take effect and be in force from nd after its passage and publication.

Approved June 20, 1905.

No. 760, A.] [Published June 26, 1905.

CHAPTER 476.

AN ACT providing for restoring the fund for teachers' institutes by supplying the deficiency in such fund made by the enactment of chapter 52, laws of 1905, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for institute fund. SECTION 1. There is hereby appropriated from the general fund in the state treasury the sum of nine thousand dollars, which shall be known as a teachers' county institute fund and shall be used under the direction of the county or district superintendent in defraying the necessary expenses of conducting annually one or more teachers' institutes for the instruction of the teachers of his county or district in school management, in methods of teaching, and in the branches taught in the common schools, and in compensation for lectures at such institutes when said lectures are given by other than the conductors or the county or district superintendent.

Competent institute conductor defined. SECTION 2. No money shall be paid by the county or district superintendent of schools for the services of any instructor or lecturer or to any person from this county institute fund, unless said person is the holder of a certificate signed by the state superintendent certifying that the committee on institutes of the board of regents of normal schools approve of such person as a competent institute conductor.

Distribution of fund. SECTION 3. The sum provided for in section 1 of this act shall be distributed among the counties of the state in just proportion to the number of teachers actually required and employed in the territory under the supervision of the county or district superintendent in giving instruction in the schools of said county or superintendent district for a term of not less than seven months during each year, unless failure to maintain such school or schools for such term shall have been

caused by the destruction of the school-house or by the order of the school district board, or the local or state board of health, on account of the prevalence of a contagious disease.

Statement of number of teachers; apportionment. SECTION 4. The county or district superintendent of schools shall between the first and tenth days of July in each year make a statement upon oath to the state superintendent, giving the exact number of teachers in all the public schools of his district when they are all in session. When the sworn statements from all the county or superintendent districts have been received it shall be the duty of the state superintendent to apportion the fund mentioned in section one of this chapter, among the different counties of the state in proportion to the number of legally qualified teachers actually engaged in teaching under the provisions and restrictions of this chapter, and certify said sum to the secretary of state, who shall thereupon draw his orders upon the state treasury in favor of the different county or district superintendents for the sum so certified.

Account, how kept. SECTION 5. The county or district superintendent shall keep an itemized account of all the expenditures made from the fund in his superintendent district. Said account to accompany the statement provided for in section 4 of this act.

Conflicting laws repealed. SECTION 6. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after July 1, 1905.

Approved June 20, 1905.

No. 762, A.] [Published June 27, 1905.

CHAPTER 477.

AN ACT relating to the powers of the state board of assessment in the assessment and taxation of express companies, sleeping car companies, freight line companies and equipment companies, under chapters 111, 112, 113 and 114, laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reports to be made to state board of assessment. SECTION 1. Every express company, sleeping car company, freight line company and equipment company as described in chapters 111, 112, 113 and 114, laws of 1899, shall hereafter make the reports required by said chapters directly to the state board of assessment instead of to the state treasurer.

Additional information may be required. SECTION 2. The state board of assessment shall have the power to call for, and it shall be the duty of any such company upon request of the board to furnish such information in addition to the reports prescribed under said chapters in relation to its property or business as may in the opinion of the board have a bearing upon the proper valuation to be placed upon the property of such company in this state. The state board of assessment shall furnish forms of reports.

Neglect or failure to report, how excused. SECTION 3. If any company described in this act or its officers or agents shall unreasonably refuse or neglect to make any report required by law or by said board or shall unreasonably refuse or neglect to answer any material question, or to permit an inspection of its records, books, accounts or papers when requested by said board, it shall be estopped to question or impeach the action or determination of the board except upon satisfactory proof of fraud or mistake injurious to it. No such company shall be allowed in any action or proceeding to question the amount or valuation of its property and franchises as assessed by the board unless it shall have made and filed with such board a full and complete report of the facts and information prescribed by law and called for by the board; provided that the refusal or neglect of such company

to file its report in time may, on verified petition and for good cause shown, be excused by the board on condition that such company shall make a full and complete report disclosing all facts and information required of it within fifteen days after leave is given to file such report, and shall appear before the board and make full disclosure of all property liable to assessment and taxation under this act and show its value.

May view and inspect properties; assessments. SECTION 4. For the purpose of determining the true cash value of the property of each such company, including the value of its franchises, the board may view and inspect any of its property and may consider the reports filed in compliance with law and any reports and returns of the company in the office of any officer of this state or any public office in any other state and such other evidence or information as may have been taken or obtaned bearing upon the true cash value of the property and franchises of such company. In case of companies doing business partly within and partly without this state the board shall assess such portion of the entire property as is properly and legally apportionable to this state, taking into consideration the value of the entire system and of that part thereof within this state, the earning capacity of the entire system and of that part within this state, its entire mileage and the mileage within this state, the car mileage of the entire system and the car mileage within this state and such other information, facts and circumstances as will aid the board to make a substantially just and correct determination of the valuation of so much of said property as is subject to taxation in this state, according to the provisions of chapters 111, 112, 113 and 114 of the laws of 1899, as applicable to the respective companies therein named. In ascertaining the mileage for the entire system of any company or in this state, water, coastwise and ocean mileage may be excluded. When the true cash value of the property of any such company liable to taxation in this state shall have been ascertained and determined, the amount thereof shall be entered upon an assessment roll, to be prepared by the board, opposite the name of the company assessed and shall be and constitute the assessment of the entire property and franchises of such company within this state. The board shall, in a separate column, place the amount of taxes levied against such company and shall state the rate of taxation and shall file such assessment and tax roll in the office of the state treasurer. In the case of any company whose assessment has

been delayed because of proceedings taken under section 3 hereof, the board shall upon the completion of the assessment of any such company file a separate assessment and tax roll for the collection of the taxes therein levied with the state treasurer.

Freight line companies, how defined. SECTION 5. Any person, partnership, joint stock company, association or corporation (not being a railroad company or the lessee of a railroad company) wherever organized or incorporated owning and operating or operating any railroad, freight, refrigerator or tank cars on railway lines in this state for the transportation of his or its goods, wares, merchandise or products, shall be deemed a freight line company and shall be assessed and taxed by the state board of assessment under the provisions of this act and chapter 113 of the laws of 1899 and amendments thereto.

Taxes, when due. SECTION 6. Any tax levied upon the property of any such company shall be considered due thirty days after the mailing to it by the state treasurer of the notice of its assessment, the rate of levy and the amount of the tax. All taxes remaining unpaid shall draw interest at the rate of fifteen per centum per annum after due, which interest shall be in lieu of the penalty of ten per cent specified in chapters 111, 112, 113 and 114, laws of 1899.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 771, A.] [Published June 26, 1905.

CHAPTER 478.

AN ACT to provide for the taxation of railroad companies in the place and instead of unpaid license fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reassessment authorized when license fee unpaid. SECTION 1. If the state shall fail to recover the license fees or any part thereof due it from any railroad corporation for any given year or years for which suit has been or may be commenced, by reason of the statute of limitations, where such license fees are due on the gross earnings of any such railroad which have been fraudulently concealed or withheld by it in making its report of such gross earnings, or by reason of the laws imposing such license fees being unconstitutional for any reason, then in either event the state board of assessment shall ascertan and assess against the property of any railroad corporation so in default the amount of license fees justly due the state for each such year. For the purpose of ascertaining the gross earnings of any railroad corporation in any particular year, the state board of assessment shall have all the power and authority given it by the provisions of chapter 315 of the laws of 1903 and acts amendatory thereto and thereof, so far as the same may be necessary to make such assessment and this act effective, and shall so far as practicable follow the practice, rules and regulations prescribed in said acts in making up such assessment. It is the purpose and intent of this act to secure to the state the payment of the full amount of taxes due to it as license fees upon the gross earnings of any such railroad corporation at the rate at which such license fee should have been paid in the year in which any default occurred. Before finally determining the amount due from any railroad corporation in any particular year, the state board of assessment shall give reasonable notice of a hearing before it to such railroad corporation of the time and place when it will determine the amount of the taxes for which such railroad corporation may be liable under the provisions of this act.

Suit to recover authorized. SECTION 2. No suit shall be brought to restrain or enjoin the collection of any tax assessed and levied under the provisions of this act. Any corporation aggrieved by the payment of any money to the state by virtue of this act may maintain a suit for the recovery thereof in the circuit court for Dane county within six months from the time of the payment thereof.

In case of the failure of any railroad corporation to pay the taxes levied against it under the provisions of this act, it shall be the duty of the attorney-general to institute a suit in the circuit court for Dane county for the collection thereof.

Taxes, when due. SECTION 3. The taxes levied under the provisions of this act shall be considered due and payable thirty days after notice of such levy from the state treasurer, and shall draw interest after due at the rate of fifteen per centum per annum.

Moneys, how applied. SECTION 4. All taxes collected under the provisions of this act shall be paid into the general fund of the state treasury, and are hereby appropriated towards the payment of the general expenses of the state and of the general expenses of the several state institutions and such other appropriations as may be made by the legislature.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 782, A.] [Published June 26, 1905.

CHAPTER 479.

AN ACT to give the railroad commission authority to designate locations for warehouse sites outside of cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railroad commission may designate warehouse sites, where. SECTION 1. Any persons proposing to erect and construct a public elevator or public warehouse to be operated for hire, for the purchase, sale, storage or shipping of grain, or other personal property, to be transported upon any railroad, shall be furnished by such railroad at a reasonable rental, a site upon its vacant right of way or depot grounds, within the yard limits of any station or terminal of such railroad; and the railroad commission shall, upon application, if it shall deem the public interest so requires, by order, direct the railroad to furnish such site and in case of disagreement, the commission shall determine the rental therefor. Elevators and warehouses erected under the provisions of this section shall be deemed to be public elevators or warehouses and shall be subject to such rules and regulations as to charges and the manner of conducting business, as the commission shall prescribe. Provided, that this section shall not apply to cities.

SECTION 2. This act shall take effect and be in force from and after July 1, 1905.

Approved June 20, 1905.

No. 789, A.] [Published June 26, 1905.

CHAPTER 480.

AN ACT to amend section 316 of the statutes of 1898, as amended, and to create section 317a of the statutes of 1898, relating to printing for the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bills, etc., how printed. SECTION 1. Section 316 of the statutes of 1898 as amended by chapter 92 of the laws of 1903, is hereby amended so as to read as follows: Section 316. The bills, joint resolution and memorials, to the number of 75 copies of each, shall be printed in bill form for the use of the legislature, on book paper, from small pica type. Each page shall be 7 3-4 inches in width and 11 inches in length, such stock to be used as will cut to advantage without waste.

In the upper outer corner of every page shall be printed the number of the bill or resolution.

Each page * * * shall contain not less than 25 lines of printed matter, of width to allow suitable margin, with a pica reglet or slug between each line. *Each line of each section shall be numbered consecutively.*

The number, title of the bill or resolution, date of introduction, the name of the person or committee by whom introduced, the order of reference and the enacting clause, shall be printed at the top of the first page and shall not occupy more than one-third thereof. The first section of the bill shall follow immediately.

Each page of such printed matter shall be punched for filing purposes with two holes seven inches apart.

The bill and section numbers shall be printed in black faced type in bills, journals and calendars.

If the bill or resolution contain an amendment, the nature thereof shall be plainly indicated by printing any matter to be stricken out, with a line through the same, and matter inserted in italics, so that any changes which the bill purports to make may readily be understood.

If any enrolled bill or resolution be amendatory, asterisks shall be used to indicate omissions, and italics to indicate insertions.

The daily calendars shall be printed on calendered paper, the sheets to be of the same size as the journal, and perforated for filing. The figures indicating numbers of resolutions and bills shall be moved to the left so as to stand in a separate column. A pica reglet or slug shall be inserted between each number.

Printer to arrange journal, how. SECTION 2. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 317a. The printer shall in addition to printing the journal as heretofore, for each day's session, properly arrange the journal as to all bills, resolutions and memorials reported or acted upon at such session in numerical order, and print the same number thereof as are required to be printed of the original bill, the same to be printed in such form as shall be most convenient for cutting apart and pasting or binding into the files of the printed bills opposite the bill upon which such report is made or action taken.

Secretary of state to send list and rules. SECTION 3. The secretary of state shall, on or before the first day of December next prior to the holding of any regular session of the legislature, cause to be prepared a compilation of the sections of the constitution and statutes relating to the work of the legislature, the rules adopted at the last preceding session thereof, and a list of the senators and members elect of the next legislature, showing the place of residence, post office address, occupation and political affiliation of each, together with other information relating thereto, and cause the same to be printed and a copy thereof to be forwarded to each such senator and member elect.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 793, A.] [Published June 26, 1905.

CHAPTER 481.

AN ACT to provide for procuring a medallion portrait in bronze of A. R. Hall, to be the property of the state and kept in some suitable place in the capitol, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bronze medallion portrait. SECTION 1. Authority is hereby given a commission, consisting of the governor, the speaker of the assembly, and two other members of the assembly, to be appointed by the speaker, to procure for the state a medallion portrait in bronze of A. R. Hall, to be kept in some suitable place in the capitol building. There is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to defray the expense thereof, not exceeding the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

[o. 356, A.] [Published June 23, 1905.

CHAPTER 482.

N ACT to recompense Albert Klimke of Marquette county for the value of improvements made by him upon state lands through mistake, and to appropriate a sum of money therefor out of the school fund.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Erroneous payment. SECTION 1. Whereas, Albert Klimke f Marquette county has heretofore made, and expended money or improvements to the extent and of the value of $520.00 upon he N. W. ¼ of the S. E. ¼ and the N. E. ¼ of the S. E. ¼ of section No. 16, township No. 16 N., of range No. 9 E., while aid lands were state lands, and

WHEREAS, Such improvements were made by mistake and while aid Albert Klimke and his grantors in good faith believed that hey were each respectively the owner of said land and that the chool fund had no interest therein, and

WHEREAS, The state has received the benefit of such improvements by virtue of the sale of said lands for a price reasonably sufficient to cover the value of said lands as so improved, now herefore,

The secretary of state is hereby directed to draw his warrant n the state treasurer in favor of said Albert Klimke for the um of $520.00, to be paid out of the school fund.

Appropriation. SECTION 2. There is hereby appropriated ut of the school fund in the state treasury, not otherwise appropriated, the sum of $520.00 to carry out the provisions of this ct.

SECTION 3. This act shall take effect and be in force from nd after its passage and publication.

Approved June 20, 1905.

No. 759, A.] [Published June 26, 1905.

CHAPTER 483.

AN ACT to authorize the town of Eagle River, Vilas county, Wisconsin, to build and maintain a dam across the Wisconsin river in said town, for public uses and purposes; to authorize said town, by the exercise of eminent domain, to acquire all such rights and property as may be necessary for effectuating such purpose, and repealing chapter 190 of the laws of 1897, authorizing William J. Walsh, Fred Morey and W. A. Bradford, their associates, heirs and assigns to build and maintain a dam across the Wisconsin river in Vilas county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. The town of Eagle River, Vilas county, is hereby authorized to build, construct and maintain a dam not exceeding twenty feet in height across the Wisconsin river at such place on government lots numbers seven (7) and eight (8), in section thirty-six (36), township forty (40) north, range nine (9) east, in said town of Eagle River, as the town board of said town shall, by ordinance or resolution, hereafter determine, for the following purposes:

To obtain hydraulic power for generating electricity for lighting the streets, bridges and public buildings of the unincorporated village of Eagle River in said town, and furnishing electric light to the inhabitants thereof;

To obtain hydraulic power for operating water works for the purpose of supplying said village and inhabitants thereof with water;

To obtain hydraulic power to be used for any other lawful municipal purpose.

Sub-lease authorized. SECTION 2. In case the said dam as so constructed and maintained shall make available for use any electrical power which shall not be continuously needed and used for the purposes aforementioned, the said town is hereby authorized and empowered to let, lease or rent the same for use for any lawful private purpose, such lease, however, not to be for a longer term than twenty years.

Sluice way required. SECTION 3. Said dam shall be so built nd maintained as not to materially obstruct or impede the navi-ation of said river, or the running of logs or forest products own said river, and that a suitable logslide or sluice way of ufficient width shall be maintained as may be necessary to pass il logs and forest products down said river without unnecessary elay.

Powers conferred. SECTION 4. For the purpose of erecting iid dam and maintaining and operating the same at such height uthorized by this act, the said town is hereby authorized to take, ver-flow and use any land or lands which will at any time be ver-flowed by reason of the construction and operation of said am and maintaining the same and to take and use all other roperty necessary for such purposes, or for any of the public ses and purposes for which authority is by this act granted to rect such dam and maintain the same.

For the purpose of acquiring title to such lands and other prop-rty, the said town is hereby authorized to exercise the right of minent domain under and in pursuance with sections 1777a, 777b, 1777c and 1777d of the statutes of 1898 and laws amend-tory thereof and supplemental thereto.

This act shall be deemed to authorize the taking and acquisi-ion of title to any lands or other property already devoted public uses to such extent as may be necessary for effectuating he purposes of this act by the exercise of the right of eminent omain under and in pursuance with said sections 1777a, 1777b, 777c, 1777d of the statutes of 1898 and laws amendatory thereof nd supplemental thereto, as fully as if such lands or other prop-rty were devoted to private uses.

Judgments for damages, how collected. SECTION 5. Any amage for which said town may be liable by reason of the exer-ise of the powers of eminent domian, authorized to be exercised y said town by this act, or by reason of the construction, mainte-ance or operation of said dam, shall not be a lien on any of the roperty of said town, but shall be collected as other judgments gainst towns, cities and villages are collected.

Submission to vote of electors. SECTION 6. The authority erein granted to the town of Eagle River shall not be exer-ised by said town until the same shall have been authorized and he powers herein granted shall have been consented to by the

electors of said town by a majority of the votes cast on said question at any general or special election at which said question shall have been submitted; and the town board of said town is hereby authorized to provide by resolution for the submission of said question to the electors of said town at any such election, and to provide for the holding of any such special election for such purpose.

Conditions of grant. SECTION 7. This act is passed in consideration of and upon the following expressed conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time, exceeding two years, at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding express or implied, in violation of any law of this state or of the United States.

4. In case the owner thereof desires to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, it shall not charge or collect more than a reasonable rental therefor. In case the owner of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Forfeiture, what shall constitute. SECTION 8. The refusal of the owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such

ower or accumulation of water is not needed for other use, r their failure to comply with all the conditions of this act, all terminate and forfeit the franchise hereby granted, and e failure of the lessee or lessees of such hydraulic power or cumulation of water to submit the question of price to be paid r the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall ork a forfeiture of his lease or leases, if any he or they had, f such power or accumulation of water.

Said dam shall be provided with a sufficient fishway or fishays, to be approved by the board of commissioners of fisheries, nd such fishway or fishways shall at all times be kept and maintained in good repair and open for the free passage of fish up nd down said river.

Conflicting laws repealed. SECTION 9. Chapter 190 of the ws of 1897, is hereby repealed.

Legislative power reserved. SECTION 10. The right of the gislature to amend or repeal this act at any time is hereby eserved.

SECTION 11. This act shall take effect and be in force from nd after its passage and publication, and the approval of the ame by the electors as provided in section 6 of this act and the ling in the office of the secretary of state written acceptance f the conditions herein contained by the town board of said own.

Approved June 20, 1905.

No. 769, A.] [Published June 27, 1905.

CHAPTER 484.

AN ACT to provide for the location, erection and construction of two additional fish hatcheries, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional fish hatcheries authorized. SECTION 1. The commissioners of fisheries are hereby directed to locate, erect, construct and equip a fish hatchery for the propagation of bass fry at a point to be selected by them as most suitable in the lake region in the sontheastern part of the state, and to locate, erect, construct and equip a fish hatchery for the propagation of trout fry at a point in the western part of the state to be selected by them as most suitable.

Appropriation. SECTION 2. There is hereby appropriated from the hunting license fund the sum of ten thousand dollars, to be used for the purchase of a site and the erection, construction and equipment of the said hatchery for bass fry, to be available on the first day of November, 1905; and there is hereby appropriated from the hunting license fund the sum of five thousand dollars to be used for the purchase of a site and the erection, construction and equipment of said hatchery for trout fry, to be available on the first day of November, 1906.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 773, A.] [Published June 27, 1905.

CHAPTER 485.

AN ACT to authorize William C. Zachow, his heirs, associates and assigns to build and maintain a dam across the Oconto river in Oconto county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam. SECTION 1. William C. Zachow, his heirs, associates and assigns are hereby authorized to build and maintain a dam across the Oconto river on any lands that he owns, possesses or controls in government lots numbered one and eight, in section thirty-three (33) in township twenty-eight (28) north of range eighteen (18) east, in Oconto county, Wisconsin, for the purpose of improving the navigation of said river and of creating hydraulic power and using the same for any lawful purposes. Said dam shall be built not to exceed thirty feet in height from the bed of the stream.

Purpose. SECTION 2. The said William C. Zachow, his heirs, associates and assigns may use such dam for the purpose of driving, booming and storing of logs and timber and improving the navigation of said river. If any water power shall be created by said dam not necessary for the purpose of driving, booming and storing of logs and timber or the improvement of the navigation of said river, the said William C. Zachow, his heirs, associates and assigns, shall have the right to use such surplus water power in conducting and carrying on any manufacturing business, and for that purpose may build race-ways and flumes and other equipment necessary to develop and use such surplus power for such purposes.

How constructed. SECTION 3. Said dam shall be so constructed and maintained as not to hinder, impede or obstruct the free navigation of the Oconto river. And the said William C. Zachow, his heirs, associates and assigns, shall build, maintain and keep in repair suitable slides and chutes in said dam for the running of logs and timber products over the same, sufficient in capacity to accommodate all logs and timber products that may be floated down said river, and shall maintain a sufficient

[illegible] for the free passage of logs and timber products [illegible] said dam; and the dam so erected shall be provided with sluice piers and guide booms as shall be necessary for the free and safe passage of logs at the expense of the owner of said dam.

Discharge of floods. SECTION 4. Said dam shall be so constructed and maintained as to be capable of permitting the free and unobstructed passage through or over the same of any and all floods discharged by any proposed dam further up said river for the purpose of assisting in and facilitating the driving of logs and timber products below said dam authorized by this act, and the owner of said dam shall so maintain and operate it as to permit the free passage of all such floods without the slightest impairment of their effectiveness, in assisting in the driving of logs and timber products down said river, and shall be liable in damages to any person or corporation injured by failure to comply with this section.

Legislative rights reserved. SECTION 5. The right is reserved to the legislature to repeal or modify this act at any time.

Fishway. SECTION 6. The dam so erected shall be provided with a good and sufficient fishway, to be approved by the state board of commissioners of fisheries, and such fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river.

Powers conferred. SECTION 7. Said William C. Zachow, his associates, successors, heirs and assigns, for the purpose of acquiring any flowage rights which may be necessary in carrying out the provisions of this act may exercise the powers granted to corporations by sections 1777a, 1777b, 1777c, 1777d of the statutes of 1898, including amendments that may have been or may hereafter be made to the same.

No corporate powers. SECTION 8. No corporate powers or privileges are granted or intended to be granted by this act, and the same shall not be construed or deemed to grant any such powers or privileges.

Conditions of grant. SECTION 9. This act is passed in consideration of and upon the following express conditions:

1. The dam herein authorized shall be constructed within four years from the date of the passage of this act.

2. If so built and constructed, it must be maintained and operated continuously and its maintenance and operation must not be discontinued or cease for any length of time exceeding two years at one time.

3. The water power acquired under and by virtue of this act shall not be operated or its operation suspended pursuant to any contract, agreement or understanding expressed or implied in violation of any law of this state or of the United States.

In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act, for public purposes or for any lawful private purpose, they shall not charge or collect more than a reasonable rental therefor. In case the owners of such dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit to arbitration, and for this purpose the owner of such power or accumulation of water shall select an expert engineer, the lessee shall select another expert engineer, and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of such arbitrators, and shall be final and conclusive upon the parties in interest.

Franchise, when forfeit. SECTION 10. The refusal of the owners to submit to arbitrators, as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or their failure to furnish such hydraulic power or accumulation of water at the price fixed by the said arbitrators, as hereinbefore provided, if such power or accumulation of water is not needed for other use, or their failure to comply with all the conditions of this act, shall terminate and forfeit the franchise granted, and the failure of the lessee or lessees to such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitrators, as herein provided, or after submission to pay the price determined by such arbitrators, shall work a forfeiture of his lease or leases, if any he or they had, of such power or accumulation of water.

SECTION 11. This act shall take effect and be in force from and after its passage and publication, and the filing in the office

of the secretary of state, by the person or persons to whom the franchise is hereby given, of a written acceptance of the conditions herein contained.

Approved June 26, 1905.

No. 74, A.] [Published June 27, 1905

CHAPTER 486.

AN ACT to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication, and amendatory of chapter 357 of the laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Free pass; public officers not to ask or accept; penalty. SECTION 1. Chapter 357 of the laws of 1899 is hereby made a section of the statutes of 1898 and amended so as to read as follows: Section 4552a. No person, association, co-partnership, or corporation, shall offer, or give, for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. No political committee, and no member or employee thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, shall ask for, or accept, from any person, association, co-partnership, or corporation, or use in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Any violation of any of the above provi-

sions shall be punished by imprisonment in the state prison not more than five years nor less than one year, or by fine not exceeding one thousand dollars, nor less than two hundred dollars. No person, and no agent or officer of any corporation within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence. *The term "free pass" shall include any form of ticket or mileage entitling the holder to travel over any part of the line or lines of any railroad issued to the holder as a gift or in consideration or partial consideration of any service performed or to be performed by such holder except where such ticket or mileage is used by such holder in the performance of his duties as an employee of the railroad issuing the same.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 124, A.] [Published June 27, 1905.

CHAPTER 487.

AN ACT providing for the taxation of vessels and other water craft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Taxation of vessels. SECTION 1. All ships, boats and vessels and their appurtenances belonging to inhabitants of this state, whether at home or abroad, shall be taxed as personal property.

Law repealed. SECTION 2. Chapter 192 of the laws of 1901 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after May 1st, 1906.

Approved June 20, 1905.

No. 511, S.] [Published June 27, 1905.

CHAPTER 488.

AN ACT to provide for the license fees on the gross receipts of telephone companies and to amend sub-division 27 of section 1038 and section 1222a, statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Telephones; report; license. SECTION 1. Section 1222a, statutes of 1898, is hereby amended to read as follows: Section 1222a.* *Any person, co-partnership, association, company or corporation, owning and operating or operating any telephone line in this state with appliances for the transmission of messages of speech or sound and engaged in the business of furnishing telephone service for compensation as owner, lessee or otherwise, shall be deemed and held a telephone company and shall on or before the tenth day of February in each year make and return to the state treasurer in such form and upon such blanks as he shall prescribe and furnish, a true statement of the gross receipts from the operation of the business during the preceding calendar year, which statement shall be verified by the president, treasurer and secretary of such company so operating, or two of the other principal officers thereof or the person so operating the telephone business. The statement shall show separately the amounts of gross receipts from the toll line service and from the service of the exchange property of the company and the town, city or village in which each exchange is located with the true amount of the gross receipts of each such exchange. The duplicate of such statement shall be filed with the treasurer of each town, city or village in which any exchange of the company may be located. Every person, co-partnership, association, company or corporation operating a telephone exchange or toll line or both, whose total gross receipts for the preceding year shall be over $100,000, shall pay an annual license fee thereon of four per cent, and if under $100,000 an annual license fee on the total gross receipts of two and one-half per cent. The amount arising from such license fees shall be paid by the company as follows, viz.: The license fee upon eighty-five per cent of the gross*

*Entire section is rewritten.

receipts from the exchange service or business shall, on or before the 10th day of February in each year, be paid to the treasurer of the town, city or village in which the exchange is located, for the use and benefit of said town, city or village; the balance of the license fee upon fifteen per cent of such gross receipts from exchange service shall be paid to the state treasurer and become a part of the general fund for the use of the state. The license fees on all of the gross receipts from the toll line service shall be paid to the state treasurer and become a part of the general fund for the use of the state. Every such person, co-partnership, association, company or corporation, upon filing such verified statement with the state treasurer and the filing of such duplicate with the treasurer of the respective town, city or village treasurers, and upon the payment of the license fees herein prescribed to the state treasurer and to the respective town, city and village treasurers, shall apply for and receive from the state treasurer a license to carry on such business for the calendar year commencing on the first day of January preceding and ending on the succeeding 31st day of December unless sooner revoked.

Forfeiture. SECTION 2. After any license fee shall become due and remain unpaid it shall be deemed delinquent and shall draw interest at the rate of fifteen per cent per annum after due until paid. The unpaid license fee and interest thereon may be recovered in an action against the company and enforced as a prior lien against its property. When a judgment is obtained for unpaid license fees and interest and shall remain unsatisfied for sixty days thereafter an action in the name of the state may be maintained by the attorney general to have the rights, privileges and franchises of any such company so *delinquent declared forfeited.*

Property exempt. SECTION 3. Sub-division 27 of section 1038, statutes of 1898, is hereby amended to read as follows: 27. The property of all telephone companies and of persons, associations *or corporations* engaged in the business of transmitting messages by telephone or the renting, letting or keeping of telephones, wires, batteries *or apparatus* for that purpose except real estate not * * * *exclusively* used in carrying on their business.

How construed. SECTION 4. The amendment of section 1222a, statutes of 1898, hereby made shall not defeat, remit or

affect the license fee paid or to be paid to the state in the year 1905 nor affect any penalty or remedy for neglect to pay license fees in said year according to the provisions of said section.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 556, S.] [Published June 27, 1905.

CHAPTER 489.

AN ACT to amend section 4560a of the statutes of 1898, as amended by section 1 of chapter 437 of the laws of 1903, relating to classification of waters, providing a classification of fish, prohibiting certain methods of taking or catching fish, fixing open seasons for fishing and regulating the sale and transportation of fish, declaring nets and fishing implements, when unlawfully possessed or used, public nuisances.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Waters classified. SECTION 1. Section 4560a of the statutes of 1898, as amended by section 1, chapter 437, of the laws of 1903, is hereby amended so as to read as follows: Section 4560a. *All waters within the boundaries of the state of Wisconsin as prescribed by the act of congress, approved August sixth, eighteen hundred and forty-six, entitled "An act to enable the people of Wisconsin territory to form a constitution and state government and for the admission of such state into the Union," shall, for the purpose of enforcing the fish and game laws of this state, be classed and* defined as inland waters *except* Lakes Superior and Michigan and the harbors and bays immediately connected with said lakes, *Sturgeon Bay and Sawyers Harbor*, Green Bay from the mouth of the Fox river, commencing at the most easterly point in section twenty-four, township twenty-four north, of range twenty east, of the fourth principal meridian, being the angle between the third and fourth runs or courses of the survey of the meander line of said section twenty-four, as shown by the original plat of the survey of said township of

record in the land office of this state; running thence south, forty-five degrees east, until the line reaches the mainland in township twenty-four north, of range twenty-one east; *that part of the St. Croix river known as Lake St. Croix* and *that part of the Mississippi river known as* Lake Pepin, *which* are hereby *classed and* defined as outlying waters.

Fish classified. SECTION 2. For the purposes of construing and enforcing the laws of this state, relating to the protection, taking and having in possession of fish, the following named fish are hereafter to be known and classed as "game fish:" Any variety of brook trout, small-mouth black bass, large-mouth black bass, Oswego bass, green bass, yellow bass, silver bass, white bass, rock bass, pike, catfish, muskallonge and sturgeon. All fish not classed as "game fish" are hereafter to be known and classed as "rough fish," provided, that in the counties of Crawford, Richland, Grant, La Fayette, Iowa, Sauk, Columbia, Dane, Green, Rock, Walworth, Jefferson, Dodge, Washington, Waukesha, Sheboygan, Ozaukee, Milwaukee, Racine and Kenosha, pickerel may be caught, taken or killed by the methods and in the manner and at the time prescribed by the laws of this state for the catching, taking or killing of "game fish."

Prohibited methods of fishing. SECTION 3. It is hereby prohibited and made unlawful, to set, place or use in any of the inland waters of this state a net of any kind, except a landing net, or to set any trap or snare of any kind which shall be intended to catch, or might catch, take or kill fish, or to take, catch or kill any game fish by any other method than by angling or trolling with not more than two lines to each person, and with not more than one hook or trolling spoon attached to each line; and it shall be unlawful to leave said lines in the water unattended by the user thereof, except as otherwise provided by law, or to use a spear for the purpose of taking, catching or killing any rough fish in the "night time," as the term "night time" is defined in section 4637a of the statutes of 1898, or to use at any one time more than five lines with more than one hook attached to each line for the purpose of taking, catching or killing rough fish. or to leave said lines in the water unattended by the users thereof. or to take or catch rough fish minnows in any of the streams inhabited by trout of any variety. or to use a minnow dip-net more than four feet in diameter for the purpose of taking rough fish minnows for bait only, or to use, set, lay or prepare in any of the waters of this state

any lime, poison, medicated bait, fish-berries or any substance deleterious to fish life, or which might attract fish in unusual numbers.

Spring-hole fishing prohibited. SECTION 4. It shall be unlawful and is hereby prohibited to take from any spring-hole or artificial well connected with any of the waters of this state, fish of any kind by any means whatsoever at any time, except when such spring-hole or artificial well forms a part of a private hatchery.

Drawing off water; fishways. SECTION 5. It shall be unlawful and is hereby prohibited to take fish by means of shutting or drawing off water for that purpose, or to take fish by any device or in any manner within two hundred feet of any fishway or lock.

Penalty. SECTION 6. Any person violating any of the provisions of sections 3, 4 or 5 of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed, not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Dynamite fishing prohibited. SECTION 7. It shall be unlawful and is hereby prohibited to take, catch or kill fish in any of the waters of this state by means of dynamite or other explosives, or to place in such waters any dynamite or other explosives which, if exploded, would or might cause the destruction of any fish therein, except when such dynamite or other explosives are used by order of public authorities, or for the purpose of clearing a channel in any of the streams, after obtaining permission so to do from the commissioners of fisheries. The possession upon any inland water, or upon the shores or islands of inland waters, of any dynamite or other explosives, shall be *prima facie** evidence that the same is possessed for an unlawful purpose.

Penalty. SECTION 8. Any person violating any of the provisions of section 7 of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not

*Printed in italics in enrolled act.

; than fifty dollars nor more than two hundred dollars and costs of prosecution, or by imprisonment in the county jail the county in which such offense was committed, not less n sixty days nor more than six months, or by both such fine l imprisonment, in the discretion of the court.

'ish eggs for artificial propagation. SECTION 9. For the 'pose of stocking waters or securing fish eggs for artificial ›pagation, the superintendent of hatcheries, or any other per- duly authorized by him in writing, may take fish at any ıe from the inland waters, and from the outlying waters at times, except between the fifteenth day of November and fifteenth day of December next succeeding. In the author- to other persons to take fish for the purposes stated, the erintendent of hatcheries shall state what kind or kinds of h shall be taken thereunder, and only such fish shall be taken d possessed and no other. Fish necessarily killed in such king shall be disposed of for the best interests of the state.

Set lines, use of; license; tags. SECTION 10. Set lines may used from the twenty-fifth day of May until the succeeding teenth day of February in the following named waters: Big 'olf river in Waupaca county, Lake Winnebago, Lake Butte s Morts, Lake Winneconne, Lake Poygan and the rivers con- ·cting said lakes, Fox river in Winnebago county, Wisconsin ver from the north line of Sauk county to its mouth, Black ver from the north line of Jackson county to its mouth, and e Mississippi river, for the purposes of taking cat-fish or stur- on, under the following restrictions: Any person who shall sire to place a set-line or set-lines in any of the above de- ribed waters, shall first procure from the county clerk of ıy county bordering on such waters, a license, which shall issued by such county clerk in the same manner as resident unting licenses are issued, and only one license shall be issued the same person in any one year. Each licensee shall pro- ıre from the county clerk and attach to each one hundred ards or fraction thereof, of set-line a metal tag, but no more han ten such tags shall be issued with each license. The li- ense shall be numbered, and the metal tags issued to any li- ensee shall be stamped with a number which shall correspond the number of the license. The applicant shall pay one dol- ar for such license and twenty-five cents for each metal tag. 'ounty clerks shall pay to the state treasurer ninety cents for ach license so issued and twenty-five cents for each metal tag

and retain the remaining ten cents as their fees. The moneys received by the state treasurer by virtue of this section shall become a part of the hunting license fund. All licenses issued pursuant to this section shall expire on the fifteenth day of February of each year. No person shall assist in setting or taking up a set-line who has not procured a license as herein provided. Any person who shall set such line or lines shall maintain at each end thereof a white flag not less than sixteen inches square, and such flag shall be placed at least two feet above the water, and shall be numbered, the numbers to be at least three inches in height and shall correspond with the number of the license by virtue of which such set line is operated. Any game warden or deputy warden, or any person having the powers of a game warden, under the laws of this state, is authorized to raise at any time, with as little damage as may be, any set-line to ascertain if the same is set according to the provisions of this section. The state game warden is hereby authorized and required to furnish the county clerks, upon application, the blanks for licenses and metal tags provided for herein.

Penalty. SECTION 11. It shall be unlawful to set, place or operate a set-line without first complying in all respects with the provisions of section 10 of this act. Any person who shall violate any provision of section 10 of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine or imprisonment, or both, as provided in section 6 of this act, and, if he shall have procured a license under section 10 of this act, shall forfeit the same and shall not be granted another license for the term of three years from and after the date of such conviction.

Seines, pound nets, hoop nets, license for use of. SECTION 12. It shall be unlawful and is hereby prohibited to take, or attempt to take, any fish by any other methods than those provided for in sections 3, 9 and 10 of this act, from any of the waters forming the boundary line between the state of Wisconsin and any other state of the United States, except such boundary waters as are defined as outlying waters by section 1 of this act, without first having complied with all the requirements of this section. The state fish and game warden shall upon application therefor issue to any person a license to set, use and operate seines, pound nets of not less than two and one-fourth inch bar, fyke or hoop nets of not less than two and

ne-fourth inch bar, and gill nets of not less than four inch ar, in the Mississippi river where said river forms the boundry line between the state of Wisconsin and the state of Minesota, and where said river forms the boundary line between e state of Wisconsin and the state of Iowa, for the purpose of itching and taking buffalo-fish, carp, redhorse, suckers, eepshead, eel-pout, garfish, dogfish, sturgeon, catfish and illheads. Such nets shall not be set, used or operated except the manner hereinafter provided, and then only in compliice with such rules and regulations as are or may be hereafter escribed by law. Every licensee shall immediately return to e water from which the same have been taken all fish not ove enumerated, when taken in any net used by him, or uner his supervision or control. Licenses issued under the prosions of this section shall expire on the first day of April suceeding the date of their issuance, and shall not be transferle. Any person who shall desire to set, use and operate a et or nets under the provisions of this section, shall make aplication to the state fish and game warden therefor, upon anks to be furnished by the game warden department, and all accompany such application with a fee of five dollars for ch two thousand lineal feet of gill net or fraction thereof, each e hundred lineal feet of pound net leaders or fraction thereof, ereof, each five hundred lineal feet of seine or fraction for each fyke or hoop net. Before any such license shall issued the applicant shall execute and deliver to the state h and game warden a bond running to the state of Wisconn, in the sum of two hundred dollars, with two sureties, and nditioned that if the applicant shall well and faithfully obrve and comply with all the requirements of this section and e rules and regulations which are or may be hereafter preribed by law, said obligation to be null and void, otherwise remain in full force. Each such surety shall be worth at ast the sum of two hundred dollars in property in this state er and above all debts and liabilities and property exempt by w from sale on execution.

The state fish and game warden shall keep a complete record his office of all licenses issued under this section and all oneys received for same shall be paid to the state treasurer d become a part of the hunting license fund.

Penalty. SECTION 13. Any person who shall take, catch or ll fish in the waters mentioned in section 12 of this act witht first complying with the provisons thereof or who shall fail

at once to return to the waters any fish not allowed to be taken under the provisions of the next preceding section shall be deemed guilty of a misdemeanor and shall on conviction thereof be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which such offense was committed not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

May catch destructive fish with nets. SECTION 14. The state fish and game warden is hereby authorized to take by means of nets from any of the waters in this state buffalo-fish, carp, dogfish, garfish, eelpout, pickerel, redhorse, sheepshead or suckers when such fish or any of them become so numerous as to destroy or retard the propagation of game fish therein, and sell the fish so taken for the best price he can obtain therefor. For the purpose of keeping such fish until he can sell the same he may create temporary fish ponds in the waters of this state.

May license use of nets, etc., in what case. SECTION 15. The state fish and game warden in his discretion, may issue to any person a license to fish for, take or catch with dip nets, fyke nets or seines, buffalo-fish, carp, dogfish, garfish, eel-pout, redhorse, sheepshead and suckers, provided, that such person using and operating such nets for the taking of such fish shall do so under the direction and personal supervision of the state fish and game warden or one of his deputies, but not otherwise. Every person obtaining such a license shall pay the per diem and all expense of the warden while so supervising such fishing. Applications for such license shall state the name and residence of the applicant, the number and kind of nets he intends to use and operate and the waters in which he intends to use and operate such nets. Every such application shall be accompanied by a fee of five dollars. Before any such license shall be issued, the applicant shall execute and deliver to the state fish and game warden a bond running to the state of Wisconsin, in the sum of two hundred dollars with two sureties and conditioned that if the person to whom such license is issued shall well and faithfully observe and comply with all the requirements of this section and the license issued thereunder, said obligation to be null and void, otherwise to remain in full force and virtue. Each surety on such bond shall be worth at least the sum of two hundred dollars in property in

this state over and above all debts and liabilities and property exempt by law from sale on execution. All licenses issued under the provisions of this section shall expire on the first day of April next succeeding the date of their issuance unless sooner revoked.

Record. SECTION 16. The state fish and game warden shall keep a complete record in his office of all licenses issued under section 15 of this act and all moneys received under sections 14 and 15 of this act shall be paid to the state treasurer and become a part of the hunting license fund.

Penalty. SECTION 17. Any person who shall violate any of the provisions of section 15 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than sixty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court. The license of any person convicted of any violation of the provisions of section 15 of this act shall be forfeited and such convicted person shall not be entitled to another license for the period of one year from and after the date of such conviction.

Ice, fishing through, how regulated. SECTION 18. It shall be unlawful and is hereby prohibited to construct or place upon the ice of the inland waters of this state, except Geneva lake in Walworth county, Lake Winnebago, Little Lake Butte des Morts, all lakes in Waukesha county, Beaver Dam lake or pond in Dodge county, the Mississippi river, and the Black river from its mouth to the county line of Jackson county, any building or enclosure of any nature whatsoever which might conceal the person of the occupant while engaged in fishing through the ice, or to occupy, while engaged in fishing through the ice, any building or enclosure whatsoever which has heretofore been constructed or placed thereon; provided, that on the ice of the waters above enumerated buildings or enclosures may be placed and occupied while fishing with hook and line or spearing rough fish; further provided, that in the buildings or enclosures placed on the ice of Beaver Dam lake or pond, dip-nets, not more than six feet in diameter may be used for the purpose of taking and catching rough fish, except pickerel and bull-heads, in addition to fishing with hook and line and spears

for the purpose of taking and catching rough fish. The unlawful use of any building or enclosure on the ice of any of the inland waters contrary to the provisions of this section, shall forfeit the same to the state, and all buildings or enclosures placed or used in violation of the provisions of this section are hereby declared public nuisances, and shall be seized and immediately destroyed by any officer authorized to enforce the fish and game laws.

Penalty. SECTION 19. Any person who shall violate any of the provisions of section 18 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than ten days nor more than thirty days, in the discretion of the court.

Dip net, where authorized; penalty. SECTION 20. It shall be unlawful and is hereby prohibited to set, use or operate a dip net in any of the inland waters of this state, except in the streams or rivers flowing into Lake Michigan within a distance of three miles of the shore of said lake, and in Beaver Dam lake or pond in Dodge county, and in the waters herein enumerated dip nets not more than six feet in diameter may be used only for the purpose of taking and catching buffalo-fish, carp, eelpout, garfish, redhorse and suckers; provided that all fish, other than those hereinbefore mentioned, if taken by such dip nets, shall be immediately returned to the water where taken, without injury. Any person violating any of the provisions of this section, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court. Provided that the provisions of this section shall not prohibit the taking of rough fish minnows under the provisions of section 3 of this act.

Closed season for game fish. SECTION 21. It shall be unlawful and is hereby prohibited to take, catch or kill in any manner, or by any device whatever, game fish, except brook trout of any variety, in any of the waters of this state between the

first day of March and the twenty-fifth day of May next succeeding, except as hereinafter otherwise provided:

(a) In Big Green Lake, in Green Lake county, the closed season for game fish and pickerel shall be from the first day of March to the first day of July next succeeding.

(b) In Devil's Lake, in Sauk county, the closed season for all fish shall be from the fifteenth day of December to the fifteenth day of June next succeeding.

(c) In Mirror Lake, in Sauk county, the closed season for game fish shall be from the fifteenth day of December to the fifteenth day of June next succeeding.

(d) In Lake de Neveu, in Fond du Lac county, the closed season for all fish, except carp, shall be from the first day of September to the first day of June next succeeding.

(e) In lakes Winnebago, Winneconne, Butte des Morts, Poygan, Little Lake Butte des Morts and those parts of the Fox and Wolf rivers which connect said lakes, there shall be no closed season except for black bass, Oswego bass, yellow bass and sturgeon, and for the fish named in subdivision "e" of this section, the closed season provided for in the first paragraph of this section shall apply.

(f) In Mirror lake, located in the city of Mondovi, there shall be no open season for the taking of any fish, except carp, until May twenty-fifth, nineteen hundred and seven. Said Mirror lake shall include all of said body of water as far south as the mill dam of the Mondovi Milling company, in said city, as far north as the north line of said corporate limits of said city, and as far east as the center line of the stone arch bridge across the Ford river in said city.

(g) In Beaver Dam lake or pond, in Dodge county, the closed season for game fish and pickerel shall be from the first day of December to the twenty-fifth day of May next succeeding.

(h) There shall be no closed season for any fish in Rush lake, in Fond du Lac and Winnebago counties, the Pecatonica and Fever rivers in Iowa and La Fayette counties, the Sugar river in Green county, Koshkonong lake, and the Rock river in Rock, Dane and Jefferson counties, the Crawfish river, in Jefferson county, and Lake Geneva in Walworth county. Black bass less than eight inches in length shall not be intentionally taken in any of the waters mentioned in this section, and if taken shall, without injury, be immediately returned to the waters where taken.

Sale of. SECTION 22. It shall be unlawful and is hereby prohibited to sell or offer for sale or to ship any game fish between the first day of March and the twenty-fifth day of May next succeeding.

Penalty. SECTION 23. Any person violating any of the provisions of sections 21 and 22 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than ten days nor more than thirty days or by both such fine and imprisonment in the discretion of the court.

Bull-heads from Beaver Dam lake. SECTION 24. It shall be unlawful and is hereby prohibited to have in possession or under control in any one day more than fifty pounds of bull-heads taken from Beaver Dam lake or pond in Dodge county, between the first day of December and the following first day of April. Any person violating any of the provisions of this section shall on conviction thereof be punished by a fine or imprisonment or both as provided in section 23 of this act.

Nets, use of, how regulated. SECTION 25. The following rules and regulations shall be strictly observed by persons operating, setting or using nets, when licensed to do so by law:

(1) No net or nets shall be set or placed so as to shut off the entire channel of the water in which the same may be used or operated nor to prevent the free passage of fish up or down in any river.

(2) No seine shall be drawn over spawning-beds of game fish during the spawning season.

(3) No net shall be used until the same is equipped with metal tags stamped to designate the kind of net and numbered to correspond with the number of the license authorizing the operation of said net; one such metal tag to be securely fastened to each two thousand lineal feet or fraction thereof, of gill net, and one such metal tag to each seven hundred lineal feet of pound net leaders, or fraction thereof, and one such metal tag to each five hundred lineal feet of seine, or fraction thereof, and one metal tag to each fyke or hoop net. Such metal tags to be furnished to the owners of such nets by the game warden department on the payment of twenty-five cents for each tag, by the owner.

(4) Every person using or operating any gill net, pound net, fyke or hoop net under license authorizing the use thereof shall fasten and maintain at the ends of any such net when the same is set in the water, a white flag not less than sixteen inches square which shall project at least two feet above the water and shall have marked thereon the number of hte license in figures at least three inches in height.

Possession of nets, effect of. SECTION 26. The possession of any net or nets, designed to catch fish, except as authorized by law, shall be prima facie evidence of an intent that such net or nets are to be used for an unlawful purpose and such net or nets possessed without being lawfully authorized, are hereby declared to be a public nuisance and shall be seized and disposed of by the state fish and game warden or any one of his deputies, in the manner provided by law.

Nets, use of forbidden, where. SECTION 27. It shall be unlawful and is hereby prohibited to set, place or use, or cause to be set, placed or used, a net of any kind or other device for trapping fish, (excepting a minnow seine not more than twenty feet in length or five feet in depth or a minnow dip net not more than six feet in diameter may be used for taking rough fish minnows or perch) in any of the following named waters:

(a) The waters of Lake Superior within one mile of the main shore thereof.

(b) Chequamegon Bay, to-wit: The waters south of a due east and west line drawn from the extreme northwest end of Long Island or Chequamegon Point to the mainland in Bayfield county, except in that part of said bay in which fishing is authorized by law.

(c) The waters within one quarter of a mile of any harbor, pier or break-water on the shores of Lake Michigan.

(d) The waters of Sturgeon Bay, to-wit: That portion of said bay lying south of a straight line running easterly from Sherwood Point lighthouse to a point where the south line of Lot No. one, in section nineteen, township twenty-eight north, of range twenty-six east intersects the meander line of Sturgeon Bay, in Door county, including also the waters of Sawyer's Harbor.

(e) The waters of Detroit Harbor, to-wit: That portion of said harbor lying north and west of a straight line running in an easterly direction from the extreme southern point of Lot No. three, in section No. fourteen, township No. thirty-three

north, of range No. twenty-nine east, to the most southerly point of Lot No. two in section eighteen, township No. thirty-three north, of range thirty east, in Door county.

(f) The waters of Little Sturgeon Bay south of a straight line drawn from Horse-shoe or Squaw Island to Bonnett's Point on the mainland; provided, that nothing in this section shall be construed to prohibit the taking of fish from the aforesaid waters at any time by angling or trolling, except that black bass or pike shall not be taken or caught during the closed season prescribed for inland waters.

Gill nets, use of, where forbidden. SECTION 28. It shall be unlawful and is hereby prohibited to set or use, or cause to be set or used:

(a) In the waters of Green Bay any net or other device for trapping fish other than herring from the first day of April to the succeeding first day of May in each year.

(b) In the waters bordering on Door county, any fyke net, seine or dip net at any time.

(c) In the waters of Green Bay between the first day of April and the succeeding first day of June any gill net having a smaller mesh than four inch, stretch measure, except that gill nets having a mesh not less than one and three-quarter inch, stretch measure, may be used to catch rough fish minnows for bait.

(d) In the waters of Green Bay any seine or fyke net having a smaller mesh than three inch, stretch measure. Provided, that nothing contained in this section shall be construed to prohibit the taking of rough fish minnows from the aforesaid waters for bait only, by means of a minnow seine or minnow dip net.

Black bass; pike; small fish; nets. SECTION 29. It shall be unlawful and is hereby prohibited to take black bass of any kind by means of nets from any waters within the jurisdiction of the state, or any pike by means of nets from the outlying waters during the closed season prescribed by the general law for inland waters for pike, or to take, kill or retain any fish less than six inches in length, except rough fish minnows for bait. Fish so taken, shall, without injury, be immediately returned to the waters where taken.

Fish offal, disposition of. SECTION 30. It shall be unlawful and is hereby prohibited to leave fish offal, which shall be con-

strued to mean and include the head, intestines and cleanings of fish and dead fish, upon the ice of any of the aforesaid waters.

Penalty. SECTION 31. Any person violating any of the provisions of sections 27, 28, 29 and 30 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty dollars nor more than fifty dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than twenty days nor more than sixty days or by both such fine and imprisonment in the discretion of the court.

White fish or trout, fishing with net prohibited. SECTION 32. It shall be unlawful and is hereby prohibited to capture or take, by means of a net of any kind, or with set-lines, in any of the outlying waters of this state, any whitefish or trout between the first day of November and the fifteenth day of December next succeeding.

Penalty. SECTION 33. Any person violating any of the provisions of section 32 of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

Nuisance defined. SECTION 34. Any boat and its equipments, any net or other device for trapping, catching or killing fish, when used in violation of any of the provisions of this act is hereby declared a public nuisance and may be seized and disposed of as provided by law.

Conflicting laws repealed. SECTION 35. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, but all acts or parts of acts, not in conflict with the provisions of this act are to remain in full force and effect.

SECTION 36. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 497, A.] [Published June 27, 1905.

CHAPTER 490.

AN ACT relating to hawkers and peddlers and various other occupations and repealing chapter 67 of the statutes of 1898, entitled "Of peddlers," and chapter 341 of the laws of 1901 and chapter 393 of the laws of 1903, amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License required. SECTION 1. No person shall engage in or follow the business or occupation of a hawker or peddler within this state without having first obtained a license for that purpose as by this act provided.

Fees. SECTION 2. Every person desiring to engage in or follow the business or occupation mentioned in the preceding section, before he shall be entitled to a license authorzing him so to do, shall pay into the state treasury an annual license fee, as follows: Where he shall use in such business or occupation a wagon or other vehicle, drawn by two or more horses or other beasts of burden, or automobile or other vehicle or conveyance propelled by any mechanical power, the sum of seventy-five dollars; where he shall use in such business or occupation a wagon or other vehicle, drawn by one horse, or other beast of burden, the sum of forty-five dollars; where he shall use in such business or occupation a push or hand cart, or other vehicle not drawn by horses, or other beasts of burden, the sum of thirty dollars; and where he shall conduct such business on foot by means of pack, basket or other means for carrying merchandise on foot, the sum of twenty dollars.

Application, how made. SECTION 3. The application for a license as a hawker or peddler shall be made in writing to the secretary of state on blanks to be furnished by him, wherein the applicant shall specify whether he intends to carry on his business by wagon or other vehicle, or on foot. The applicant shall at or before the time of filing his application for a license, pay or cause to be paid to the state treasurer the amount prescribed in the preceding section and applicable to the manner in which such applicant intends to carry on his business, and

ie treasurer shall thereupon issue to the applicant a receipt ierefor.

License, how issued. SECTION 4. Upon the filing of an aplication for such license with the secretary of state, and the resentation to him of a receipt from the state treasurer showig the payment of the fee, as hereinbefore provided, the secreiry of state shall issue to the applicant a license for a period f one year, from the date of the issuance of the receipt of the ate treasurer, the full license fee to be paid in every case, hich license shall be signed by the secretary of state or his ssistant and every such license shall authorize the person reeiving the same to use one wagon or other vehicle, drawn by wo or more horses or other beasts of burden and no more, or utomobile or other vehicle or conveyance propelled by mehanical power, one wagon or other vehicle drawn by one horse r other beast of burden and no more, one push or hand cart or ther vehicle not drawn by horses or other beasts of burden nd no more, or the baskets, packs or other means necessary or one peddler carrying (by himself) merchandise on foot, as he case may be, and such license shall not be assignable or ansferable except where due notice has been given the state reasury agent and the same has received his approval.

Transient merchant defined; fee. SECTION 5. A transient erchant within the meaning of this act is defined as one who ngags in the vending or sale of merchandise at any place in his state temporarily, and who does not intend to become and oes not become a permanent merchant of such place. No peron shall engage in or follow the business or occupation of a ransient merchant, as hereinbefore defined, at any place in his state, without first obtaining a license authorizing him to o so. Any person desiring a license as a transient merchant hall, before receiving the same, pay into the state treasury the um of seventy-five dollars, and he shall in addition to such mount, after receiving such license, also pay to the treasurer, f any city or village where he may be conducting his business, sum not to exceed twenty-five dollars per day for each day hat he may be engaged in carrying on his business, such mount to be determined by ordinance or resolution of such ity or village; provided further, that if complaint be made to he mayor of any city, or the president of any village, that any erson doing business therein is a transient merchant, and such erson shall claim to be a permanent merchant, he may be re-

quired as a condition of transacting business in any such city or village, without the payment of a license fee to such city or village, to give a bond to such city or village to secure the payment of the state and local license, in the event that he fails to become a permanent merchant, under the terms of this act, in a penal sum not to exceed five hundred dollars to be determined by resolution or ordinance of such city or village, with sureties to be approved by the clerk of the municipality, and which bond shall be enforced in case of a breach thereof by the proper local officers of the city or village, and upon its collection the amount of the state license shall be paid to the state treasurer and the remainder shall be paid into the treasury of the city or village and become a part of the license fund. The application for a license as a transient merchant shall be made in writing to the secretary of state upon blanks to be furnished by him, and upon the filing of such application with the secretary of state and the presentation to him of a receipt from the state treasurer showing the payment of the license fee herein before provided for, the secretary of state shall issue to such applicant a license for a period of one year, commencing on the first day of May, or for such portion of a year as may intervene between the date of the issuance of the receipt of the state treasurer and the first day of May next ensuing, the full license fee to be paid in every case, which license shall be signed by the secretary of state or his assistant, and every such license shall authorize the person receiving the same to engage in the business of a transient merchant within this state.

One person one license; penalty. SECTION 6. But one person shall be authorized to carry on business under the terms of any license herein provided for, and no persons shall conduct business under the same license as co-partners, agents or otherwise. And it shall be the duty of any person licensed as herein provided, upon the demand of the treasury agent or any of his deputies, or of any sheriff, constable or police officer to exhibit his license and make affidavit that he is the person named therein. Any person failing to exhibit his license when rquested by the persons above designated, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than fifteen days nor more than thirty days.

Local license. SECTION 7. Nothing in this act contained shall be construed as prohibiting or in any way limiting or in-

rfering with the rights of any city or village to further license ıwkers, peddlers or transient merchants to trade within the ırporate limits thereof where authority to do so is conferred ›on them by law.

Revocation of license authorized, when. SECTION 8. Any ɔense issued pursuant to the terms of this act may be revoked ʳ the secretary of state upon the conviction of any person to hom the same was issued, of any fraud or false representation, isrepresentation or imposition in the sale of any goods, wares · merchandise or the sale of any adulterated food, drink or rug, or the sale of any food deleterious to health, and the ling with the secretary of state of a certified copy of the final ıdgment of conviction of any court in which any such person ıay be tried, shall be sufficient authority for the revocation of ıch license.

Penalty. SECTION 9. Every person who shall engage in or ollow the business of a hawker, peddler or transient merchant ı this state, without having first obtained a license, or shall ʳhen licensed as a transient merchant neglect or refuse to pay he per diem fee as provided by this act shall be deemed guilty f a misdemeanor, and shall upon conviction thereof be punshed by a fine of not less than twenty-five dollars, nor more han one hundred dollars, or in default of the payment of such ine, by imprisonment in the county jail of the county in which ıe shall have been convicted for a period not exceeding sixty lays, for each offense.

Treasury agent; oath; bond. SECTION 10. The governor hall appoint a treasury agent who shall hold his office for the erm of two years from the date of his appointment and until ıis successor shall have been appointed and duly qualified. Before entering upon the duties of his office the treasury agent hall take and subscribe the oath of office required by the constitution and give a bond to the state in the sum of five thousand dollars, with sufficient sureties to be approved by the governor, conditioned for the faithful performance of the duties of his office, and for the faithful performance of all persons employed by him of their duties and trusts, and that all moneys collected by him or his assistants, in the enforcement of the duties of his office, shall be paid into the state treasury. Said bond and oath of office shall be filed in the office of the secretary of state.

Duties of treasury agent. SECTION 11. It shall be the duty of the treasury agent to superintend and enforce the collection of all license fees required to be paid to the state under the provisions of this act or of any act relating to hawkers, peddlers or transient merchants and to perform such other duties as the secretary of state may prescribe under any other license law. It shall also be the duty of the treasury agent to report to the secretary of state the conviction of any licensee under this act, of any fraud, or false representation, misrepresentation or imposition in the sale of any goods, wares or merchandise, or the sale of any adulterated food, drink or drug, or the sale of any food deleterious to health, and to cause to be filed with the secretary of state a certified copy of the final judgment of conviction of any court in which any such person may be tried, which said certified copy shall be sufficient authority for the revocation of the license held by any such licensee. Upon receipt of any application for license or any license fees, he shall immediately file the application in the office of the secretary of state, and pay all such fees into the state treasury in the name of the applicant, and deliver or forwardto such applicant his proper license duly issued. He may appoint an assistant, who shall take a like oath and give a like bond, and may perform such duties as are required of the treasury agent, and shall report to the governor at the end of each fiscal year a statement of all the moneys received and disbursed by him, the names and postoffice addresses of the persons from whom they were collected and the amount paid by each; such report shall also give information upon any other matters relating to his duties which the governor may require.

Special agents, appointment of. SECTION 12. The treasury agent may appoint, special treasury agents, who, as well as said treasury agent and his assistant, may, when there is reasonable ground to suppose that such license fees as are required by any law to be paid into the state treasury, may become otherwise uncollectable, seize and detain any vehicle or any animals attached thereto, or any push or hand cart, or any of the goods, wares or merchandise conveyed thereby, or any trunk, box or pack, or other means of carrying goods or any of the contents therein contained, carried by foot peddlers, until the process provided by law can be issued and served. Such agent, assistant and special agents may serve any writ or process necessary to enforce the provisions of this chapter in the same manner and for the same compensation as constables and sheriffs.

Oath, bond. SECTION 13. Every such special treasury agent before entering upon the duties of his office shall take and subscribe the oath of office required by the constitution and execute to the treasury agent a bond, with sufficient sureties, in such sum as said agent shall fix, conditioned for the faithful performance of his duty, and deliver the same, with his oath of office, to the treasury agent.

Salary and compensation; blanks. SECTION 14. There shall be audited and paid to the treasury agent out of the state treasury the sum of twenty-five per cent of the amount paid into the state treasury as fees for licenses under this act or by any hawker, peddler or transient merchant, or any other license collected by said treasury agent, which sums shall be compensation in full for his services and the services of his assistant and of all special treasury agents appointed by him or his assistant, providing that the said twenty-five per cent shall not produce a net salary to the treasury agent in excess of $2,000.00 dollars per annum, after deducting all fees paid special agents and the necessary office and traveling expenses, balance to be paid into the state treasury; but the necessary blanks and advertising for the performance of his duties shall be furnished by the state.

Circuses and exhibitions, license of. SECTION 15. Every owner, manager or agent of a caravan, circus or menagerie, before he shall be allowed to exhibit the same in this state, shall procure a state license as a public showman by making application in writing to the secretary of state, which application shall state in detail the manner in which he intends to travel and the nature and character of his exhibition, and shall pay in to the treasury therefor the sum of one hundred dollars; and every owner or manager of a so called side show, traveling vaudeville, ferris-wheel, merry-go-round, ocean wave or transient shooting gallery, and every person exhibiting for money any trained animal, wild animal or any object of curiosity shall procure a state license as a public showman and pay therefor twenty dollars; provided, that such persons, owners or agents shall not be required to pay such license fee if they shall state in their application that they apply for the license solely for the purpose of exhibiting at, during the continuance and on the grounds of annual county, district or state fair associations drawing aid from the state under the provisions of sections 1458c, 1458d, 1463 of the statutes of 1898, chapter 356 of the laws of 1901, chapter 337 of the laws of 1901 and chapter 290 of the laws of 1903.

Fire sale merchants, license of. SECTION 16. Every person, firm or corporation which shall not have become a permanent merchant or dealer in the town, city or village in which any such person, firm or corporation sells or exposes for sale any goods, wares or merchandise and which shall advertise, represent and hold forth that the sale thereof is an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, job lot or closing out sale, or a sale of goods, wares or merchandise damaged by smoke, fire, water or otherwise, or that by reason of financial difficulty or other special or peculiar circumstances such goods, wares or merchandise will be disposed of for less than their real value, shall, before commencing or advertising a sale thereof, procure a state and local license in the manner hereinafter provided; but nothing in this or the five sections next following shall affect the right of any town, city or village to adopt such resolutions, orders or ordinances relating to such sales and the advertisement thereof as are authorized by law; provided, that nothing in said sections shall apply to any sale made by virtue of any judgment, order or process of any court, or pursuant to any law of this state or of the United States or in enforcement of any contract right or lien.

Application, how made; fire sale merchants. SECTION 17. The application for a state license under the preceding section shall be made to the secretary of state under oath, shall disclose the name and residence of the applicant, who shall, before making such sale advertising so to do, state in his original or supplementary application the details concerning such sale, including all the facts relating to the insurance, bankruptcy, insolvency, or other reason for making the same, with sufficient fullness as to time, place and persons to permit the verification thereof. Such statement shall be copied on the license issued by said secretary of state, and all applications shall be filed by him and a record of all licenses issued be made. All files and records of the secretary of state and of the town, city and village clerks shall be in convenient form and be open for public inspection. Any false statement in either such application or any failure of any licensee to comply with all the requirements of this section shall render him liable to the same penalty as is imposed by section 21 of this act.

Fee; penalty. SECTION 18. Upon application in proper form and the payment of seventy-five dollars as a fee the secretary of state shall issue to the applicant a license authorizing him

o advertise and make such sales as are specified in section 16 of his act for the term of one year, commencing on the first day of May, or for such portion of a year as may intervent between the date of the issuance of the receipt of the state treasurer and the first day of May next ensuing, the full license fee to be paid in every case, unless such license be sooner surrendered for cancellation. Every license shall contain a copy of the application therefor. Such license shall not be transferable nor authorize more than one person, firm or corporation to sell or advertise goods, wares or merchandise in the manner specified, either by agent or clerk or in any other way than in the proper person of the licensee, except that when the licensee is a firm or corporation the sale may be conducted by the members of the partnership or the officers of the corporation, and any licensee may have the assistance of one or more persons, who shall not, however, have authority to act for him in his absence. Any agent or employee who conducts or advertises a sale for his principal shall be liable to the penalty hereinafter prescribed if such principal has failed to comply with any of the provisions of law.

Local license fee. SECTION 19. Any town board, village board or common council may, by resolution, ordinance or order, require the payment by every person, firm or corporation intending to make such sale a per diem license fee not exceeding twenty-five dollars. Before making or offering to make any such sale under the state license every such person, firm or corporation shall exhibit said license to the clerk of the town, city or village where it is proposed to make sales, and upon payment to said clerk of such fee as is required by the local authorities, he shall record the state license, indorse upon it the words "local license fees paid," affix his official signature with the date of such indorsement, and issue a license authorizing sales within the limits of his town, city or village. Making sales or offering to do so without such license or indorsement shall subject such person to the same penalty as he would be liable to if no state license had been issued.

Prosecutions. SECTION 20. The district attorney of each county shall prosecute all violations of any of the provisions of sections 16, 17, 18 and 19 of this act and may demand from any person making any such sale or advertising to do so, the production of his state and local license; and any failure to produce the same shall be prima facie evidence that no such license has been obtained.

Penalty. SECTION 21. Every person violating any provision of either of sections 16, 17, 18, 19 and 20 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days or by both such fine and imprisonment; and each advertisement or sale made in contravention of the provisions of said sections shall be deemed a distinct offense and and shall subject the offender to such punishment.

Local rates and regulations authorized. SECTION 22. The supervisors of the several towns in this state containing villages not incorporated and the trustees of incorporated villages are hereby authorized and shall have power to establish rates for and license and regulate the traffic of all peddlers endeavoring to procure the sale of any goods, wares or merchandise of whatever description, by putting up booths or stalls or stopping with their vehicles or other conveyances in any of the streets, alleys, public squares or vacant lots within and near the limits of any of said villages, which shall be designated and determined by said supervisors or trustees, as the case may be, during any days of public assemblages held therein, such as county or monthly cattle fairs, election or town meeting days, not to exceed twenty days in any year.

Local licenses, time of. SECTION 23. The license or permit provided for in the preceding section shall be good only for the day or days designated therein, and may be issued by the town or village clerk, as the case may be, by and under the direction and regulations of the supervisors of such towns or the trustees of such incorporated villages as may have adopted the same under the preceding section.

Penalty. SECTION 24. Whenever the supervisors of any town or the trustees of any incorporated village shall have adopted the system provided for in section 22 of this act by resolution or otherwise, any person violating the provisions of said section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or be imprisoned in the county jail not less than thirty days nor more than sixty days; provided, however, that the provisions of this and the two preceding sections shall in no way affect existing laws regulating agricultural societies.

Conflicting laws repealed. SECTION 25. Chapter 67 of the statutes of 1898, and chapter 341 of the laws of 1901 and chapter 393 of the laws of 1903, and all acts or parts of acts contravening in any way the provisions of this act are hereby repealed.

SECTION 26. This act shall take effect and be in force from and after the fifteenth day of July, 1905.

Approved June 20, 1905.

No. 560, S.] [Published June 27, 1905.

CHAPTER 491.

AN ACT authorizing the increase of the height of a dam across the Black river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Increase of height authorized. SECTION 1. The city of Black River Falls, and James J. McGillivray, the successors and assigns of Jacob Spaulding, to whom was granted a franchise by chapter 208 private and local laws of Wisconsin for 1853, their heirs, associates, successors and assigns, are hereby authorized to increase the height of the dam now built and owned and maintained by them across Black river, on the east half of the south east quarter of section 15, township 21, north of range 4, west of the fourth principal meridian, in Jackson county, by virtue of chapter 208, private and local laws of Wisconsin for 1853, from eleven to fifteen feet from the water mark.

Fishway. SECTION 2. The dam erected under the authority hereby granted shall be provided with a good and sufficient fishway to be approved by the state board of commissioners of fisheries, and said fishway shall at all times be kept in good repair and open for the free and easy passage of fish up and down said river.

Power. SECTION 3. In case the owners thereof desire to let, lease, rent or furnish any hydraulic power or accumulation of water procured or created under this act for any lawful public or private purposes they shall not charge or collect more than a reasonable rental therefor. In case the owner of said dam and the lessee of any part of said hydraulic power or accumulation of water shall be unable to agree upon the price to be paid for the use of the same, they shall submit the matter to arbitration and for this purpose the owners of such power shall select an expert engineer, the lessee shall also select another expert engineer and the two engineers so chosen shall select a third, who shall constitute arbitrators and have full authority to determine the price that shall be paid for the use of such power or accumulation of water. Their decision shall be reduced to writing and signed by a majority of said arbitrators and shall be final and conclusive upon the parties in interest. The refusal of any owner to submit to arbitration as herein provided, the question of the price at which hydraulic power or accumulation of water shall be rented, as herein provided, or his failure to furnish such power or accumulation of water at the price fixed by the said arbitrators as hereinbefore provided, if such power or accumulation of water is not needed for other use, or his failure to comply with all the conditions of this act, shall terminate and forfeit the franchise hereby granted, and the failure of the lessee of such hydraulic power or accumulation of water to submit the question of price to be paid for the same to arbitration, as hereby provided, or after submission, to pay the price determined by said arbitrators shall work a forfeiture of his lease, if any he had, of such power or accumulation of water.

Franchise, when forfeit. SECTION 4. Failure to exercise the right, granted under the franchise by increasing the height of such dam within four years from the date of the passage of this act shall terminate and forfeit all rights herein granted.

Franchise, when forfeit. SECTION 5. A failure to operate and maintain said dam for a period of two consecutive years shall terminate and forfeit all rights and powers granted by this act. Whenever the water power acquired under and by virtue of this act shall be operated or its operation suspended, pursuant to any contract, agreement or understanding, express or implied, in violation of any law of this state or of the United States, all rights granted by this act shall be forthwith forfeited.

Legislative rights reserved. SECTION 6. The right of the legislature to amend or repeal this act and the rights granted thereunder are hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 21, 1905.

No. 473, S.] [Published June 27, 1905.

CHAPTER 492.

AN ACT relating to the use of money by corporations in elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Political contributions by corporations prohibited. SECTION 1. No corporation doing business in this state, shall pay or contribute, or offer, consent or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing legislation of any kind, or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office.

Penalty. SECTION 2. Any officer, employee, agent or attorney or other representative of any corporation, acting for and in behalf of such corporation, who shall violate this act, shall be punished upon conviction by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment in the state prison for a period of not less than one nor more than five years, or by both such fine and imprisonment in the discretion of the court or judge before whom such conviction is had and if the corporation shall be subject to a penalty then by forfeiture in double the amount of any fine so imposed to be collected as other actions by forfeiture are collected and if a domestic corporation, it may be dissolved, if after a proper

proceeding upon quo warranto, in either the circuit or supreme court of the state to be prosecuted by the attorney general of the state, the court shall find and give judgment that section 1 of this act has been violated as charged, and if a foreign or non-resident corporation, its right to do business in this state may be declared forfeited.

Fines and forfeitures; district attorney. SECTION 3. The violation of this act by any officer, employee, agent, attorney or other representative of a corporation, shall be prima facie evidence of said violation by such corporation. All fines or forfeitures recovered under any of the provisions of this act, shall, when collected, be paid into the proper treasury of the county for the use of the school fund, and it is hereby made the duty of the district attorney of each county to conduct prosecutions under this act upon complaint as in other actions.

A felony to aid, advise or abet violations. SECTION 4. Any person or persons who shall aid, abet, or advise a violation of this act shall be guilty of a felony and upon conviction shall be punished as in section 1 of this act.

Place of trial. SECTION 5. Violations of this act may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed.

Conflicting laws repealed. SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 21, 1905.

No. 736, A.] [Published June 28, 1905.

CHAPTER 493.

AN ACT to provide for the taxation of the property of street railway companies and electric light, heat and power companies, operated in connection with street railways and making an appropriation therefor, and to repeal sections 1222c, 1222d, 1222e, 1222f, of the statutes of 1898, chapter 354 of the laws of 1899, chapter 197 of the laws of 1903, and all acts and parts of acts inconsistent with this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment of, how made. SECTION 1. That the commissioner of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-officio a state board of assessment and as such shall make an annual assessment of the property of all street railway companies and electric light, heat and power companies operated in connection with street railways within this state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be secretary of the board.

Terms defined. SECTION 2. For the purposes of this act the following provisions and definitions are made:

I. The term "board" in this act, without other designation, means the state board of assessment hereby created for the assessment and taxation of the property of street railway companies and light, heat and power companies operated in connection with a street railway company.

II. Any corporation organized under the laws of this state for constructing, maintaining and operating a street railway with the power of accepting and operating under street railway franchises granted by municipalities and owning and operating a street railway or operating as lessee or otherwise a street railway within, through, or between one or more towns, cities or villages, shall be deemed a street railway company within the meaning of this act.

III. Any corporation organized under the laws of this state for manufacturing, generating or furnishing light, heat, power,

signals or other service by electricity with the power of accepting and operating under franchises granted by municipalities and wholly operated by a street railway company and operated in connection with the railway property of such company as owner, lessee or otherwise, shall be deemed a light, heat and power company within the meaning of this act.

IV. The word "company" in this act without other designation or qualification shall mean and include any street railway company or light, heat and power company and shall be applicable alike to each such company.

The words "property of a company" without other designation or qualification shall mean and include the property of any street railway company or the property of any light, heat and power company and shall be applicable alike to the property of each such company.

V. The term "property of a company" as used in this act, shall include all franchises, right of way, roadbed, tracks, stations, terminals, rolling stock, equipment and all other real and personal property of a street railway company used or employed in the operation of the railway or in conducting its business, and shall include all title and interest in such property as owner, lessee, or otherwise, and all franchises, right of way, poles, wires, cables, devices, appliances, instruments, equipment and all other real and personal property of a light, heat and power company used or employed in the operation of the company or in conducting its business and shall include all title and interest in such property as owner, lessee or otherwise, and such term shall apply alike to the property of each such company.

VI. Every company operating a street railway in this state with all appliances and property connected and used therewith in the street railway service, and every company operating the property of a light, heat and power company with all appliances and property connected and used therewith in the light, heat and power service shall be the representative of every title and interest in the property of the company as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the property for the purpose of taxation. The assessment and taxation of the property of a company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind or nature.

VII. The term "general property of the state" shall be deemed to include all real and personal property appearing upon the assessment rolls and tax rolls throughout the state upon which state, county and local taxes are levied and collected with such changes and corrections made by the board as hereinafter provided.

Access to records authorized. SECTION 3. The board shall have access to all books, papers, documents, statements or accounts on file, or of record in any of the departments of the state. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, towns, cities, villages and assessment districts, and the officers thereof shall in form prescribed by said board make returns to it of all information which may be called for. Said board shall have the power, by a summons signed by a member of said board and served in like manner as a subpoena issued from courts of record, to compel witnesses to attend, give evidence and to produce books and papers. Any member of the board or the secretary thereof is authorized to administer the oath to witnesses. The attendance of any witness may be compelled by attachment issued by any circuit court upon a proper showing that such witness has been duly served with the summons, and has refused to appear before said board. In case of the refusal of a witness to produce books, papers, documents or accounts, or to give evidence on matters material to the hearing, such refusal shall be reported to the attorney general who shall thereupon institute proceedings in the proper circuit court to compel such witness to testify or produce books and papers and to punish him for the refusal. The person serving such summons shall receive the same compensation as now allowed to sheriffs or other officers for serving subpoenas. The person appearing before said board in obedience to the summons shall in the discretion of the board, receive the same compensation as a witness in the circuit court, to be audited by the secretary of state on the certificate of a member of said board. The records, books, accounts and papers of any person, association or corporation, owning or operating a street railway or light, heat and power property to be assessed under this act shall be subject to the visitation, inspection and examination by said board or such person as it may designate.

Depositions. SECTION 4. The board in any matter material to the valuation, assessment or taxation of the property of

street railway or light, heat and power companies may cause the deposition of witnesses residing without the state or absent therefrom to be taken upon notice to the company interested, in like mode as the depositions of witnesses are taken in civil actions pending in the circuit court.

Annual reports. SECTION 5. Every company operating a street railway or light, heat and power company in this state shall annually between the first day of July and the first day of September in each year, under the oath of the president or other chief officer and the secretary, treasurer, auditor or superintendent of such company, make and file with the board in such form as said board may prescribe, reports containing the following facts:

1. The name of the company.

2. The nature of the company, whether a person, association, company or corporation, and under the laws of what state or country organized, the date of original organization, date of reorganization, consolidation or merger, with specific reference to laws authorizing the same.

3. The location of its principal office.

4. The name of the place where its books, papers and accounts are kept.

5. The name and post office address of the president, secretary, treasurer, auditor, superintendent, general manager, council, directors and all other general officers.

6. The name and post office address of the chief officer or managing agent of the company in Wisconsin and of all other general officers residing in the state.

7. The total number of shares of capital stock.

8. The par value of the shares of the capital stock for the whole system showing, separately,

(I) Amount authorized. (II) Amount issued. (III) Amount outstanding. (IV) Also the dividends paid thereon.

9. The market value of the shares of capital stock for the whole system, on the dates and for the periods the board may request or specify.

10. If such capital stock has no market value, the actual value on the dates and for the periods designated by said board.

11. The funded debt of the company for the whole system, and a detailed statement of all series of bonds, debentures or other securities, forming a part of the funded debt at par value, with date of issue, maturity, rate of interest and interest paid.

12. The market value of each series of funded debt for the whole system on the dates and for the periods designated by said board, and if the whole or a part of such funded debt has no market value, then the actual value thereof for such dates and periods as said board may specify.

13. Such general description of the real estate of the company owned or operated in Wisconsin as would be sufficient in a conveyance thereof, under a judicial decree, directing a sale for taxes to vest in the grantee all title and interest in and to the said property.

14. A like description of the personal property, including moneys and credits held by the company as a whole system and the part thereof apportioned to the line in Wisconsin.

15. A statement in detail of all capital stock, bonds or other securities of such company owned by, or held in trust, for the company and the capital stock, bonds, or other securities of other persons, companies or corporations owned by, or held in trust for it, and the par value and the market or actual value of the same same.

16. The whole length of the lines of the system operated by the company and the length of the lines in Wisconsin, whether operated as owner, lessee or otherwise. The length of the line owned and the length of the line operated for the whole system and in Wisconsin, shall be separately reported.

17. The entire gross earnings of the company from operation, income from operation, and the income from other sources for the whole system and in Wisconsin, and the disposition made of such income.

18. The entire gross earnings of such company in Wisconsin for each and every month for each calendar year ending on the thirty-first day of December.

19. The annual reports of the board of directors or other officers to the stockholders of the company, duplicates of the annual reports of street railways made to the railroad commissioner of this state and to the railroad commissioners or state officers or boards of the other states in or through which their lines are operated.

20. Each street railway company shall further report as follows:

a. The number of miles of main single track, second, third or fourth track, side track or other tracks in each county and in each municipality within or through which the street railway company operates its line within this state.

b. The gross earnings of such street railway company from the operation of its business in each county and in each town, city and village within or through which said company operated for the year ending on the 31st day of December preceding.

c. The total number of fare passengers carried on the entire system and separately for Wisconsin.

d. The fare passengers per mile of single track for the entire system and separately for Wisconsin.

e. The fare passengers per mile of single track in each county and in each town, city and village in this state in which the line of the company is operated.

21. Each light, heat and power company shall further report as follows:

a. The names of the assessment districts in which its principal and other power plants are located with the average daily quantity of electricity produced at each plant.

b. The average daily quantity of electricity employed in the operation of the street railway property and the quantity furnished for public lighting and other public service and separately the quantity furnished private consumers.

c. The number of miles of wires in each county and separately in each municipality within or through which the property of such company is operated.

The average daily quantity of electricity furnished for public service and to private consumers in each county and each municipality within or through which the company operates.

d. The gross receipts from the operation obtained in each county and in each municipality within or through which any such company operates from the business of furnishing light, heat, power or other service for the year ending the 31st day of December preceding.

22. An company, association or corporation owning all or a majority of the capital stock of the company operating in this state or having practical control of any such company may be required to make report of such facts and information specified in this section as may be deemed necessary by the board to a correct valuation and assessment of the property of such operating company.

23. Such other facts and information as said board may require in the form of returns prescribed by it.

Blanks for making the above reports shall be furnished to such companies by said board except for the copies of reports required under the provisions of subdivision 19 of this section.

In case any company refuses or neglects to make the reports quired by this act, or refuses or neglects to furnish any infor- ation requested, the board shall inform itself the best it may the matters necessary to be known in order to discharge its ities with respect to the valuation and assessment of the prop- ty of such company.

Personal property. SECTION 6. The property of a company defined in section 2, subject to taxation under the provisions this act is declared to be personal property and the place of sessment and taxation of such property is fixed at the capital the state.

Penalty for refusal. SECTION 7. If any company or its of- ers or agents shall refuse or neglect to make any reports re- uired by this act or said board, or shall refuse or neglect to ermit an inspection and examination of its records, books, ac- ounts or papers when requested by said board, or shall refuse neglect to appear before the board in obedience to a summons, ich company shall be estopped to question or impeach the action determination of the board except upon satisfactory proof f fraud or mistake injurious to the company. No company shall e allowed in any action or proceeding to question the amount or aluation of its property as assessed by the board unless such ompany shall have made and filed with such board a full and omplete report of the facts and information prescribed by sec- ion 5 of this act and called for by the board thereunder, pro- ided the refusal or neglect of such company to file the report in ime may on application of the company and for good cause hown be excused by the board on condition that such company hall make a full and complete report of all facts and informa- ion mentioned in said section 5 within fifteen days after notice y mail of the amount of the preliminary valuation of the prop- rty of such company and shall appear before the board before he time of the final hearing and make a full disclosure of all roperty liable to assessment and taxation under this act and how the value of such property to the satisfaction of the board.

Preliminary hearing, how had. SECTION 8. The board on or between the first day of September and the first day of No- vember in each year, according to their best knowledge and judgment shall ascertain and determine the true cash value of the property of each company within the state. Every such company shall be entitled on its own motion to a preliminary

hearing and to present evidence before such board at any time on or between the first and fifteenth days of September, relating to the value of the property of such company, or to the value of the general property of the state. On request in writing for such hearing or presentation the board shall appoint a time and place therefor within the period aforesaid; the same to be conducted in such manner as the board shall direct. Such preliminary hearing shall not impair or affect the right to the further hearing provided for in section 11. The value of the property of a company for assessment shall be made on the same basis and for the same period of time as near as may be as the value of the general property of the state is ascertained and determined. The board shall prepare an assessment roll and place thereon after the name of each street railway company assessed, the following general description of the property of such street railway company, to-wit: "Real estate, right of way, tracks, stations, terminals, appurtenances, rolling stock, equipment, franchises and all other real estate and personal property of said company," which shall be deemed and held to include the entire property and franchises of such street railway company within the state, and all title and interest therein, and after the name of each light, heat and power company assessed, the following general description of the property on such last named company, to-wit: "Real estate, right of way, poles, wires, conduits, devices, appliances, instruments, franchises and all other real and personal property of said company" which shall be deemed and held to include the entire property and franchises of such light, heat and power company within the state and all title and interest therein.

For the purpose of determining the true cash value of the property of each company, appearing on the assessment roll, the board may, if deemed necessary, view and inspect the property of such company and shall consider the reports filed in compliance with this act, and the reports and returns of the company filed in the office of any officer of this state, and such other evidence or information as may have been taken or obtained bearing upon the true cash value of the property of the company assessed. In case of companies which own or operate lines lying partly within and partly without the state, the said board shall only value and assess the property within this state. In determining the value of the portion within the state the board may take into consideration the value of the entire system, the mileage of the whole system and of the part within

this state, together with such other information, facts and circumstances as will enable the board to make a substantially just and correct determination. When the true cash value of the property of a company within this state shall have been ascertained and determined the amount thereof shall be entered upon the assessment roll opposite the name of the company and shall be, and constitute, the assessment of the entire property of such company within this state for the levy of taxes thereon, subject to review and correction, as hereinafter provided. The board shall thereupon give notice by mail to each company assessed of the amount of its assessment as entered upon such roll.

Data before state board. SECTION 9. When the state board of assessment shall have valued the general property of the state and completed the assessment of said property subject to taxation pursuant to chapter 237, laws of 1901, or any amendments thereof, and not later than the first day of October in each year, the secretary of said state board of assessment shall lay before said board the different classes and value of said property set down in the list opposite the name of each county, as fixed and determined by the state board of assessment, together with the assessed valuation of all taxable property in each county, in the form as returned by the county clerks to the secretary of state, and all other statistics, returns, records, papers, and statements, which the state board of assessment considered in determining the valuation of the general property of the state, or which were used in compiling statistics, or tables for consideration of the state board of assessment.

Cash value of all property determined. SECTION 10. The board not later than the first day of November in each year from the information laid before the board by the secretary of state or the secretary of the state board of assessment, statistics of the sales of real estate as returned to the secretary of state by the registers of deeds and the assessed value of said real estate, the returns of officers of the assessed value of said real estate, the returns of officers of the assessed value of all real and personal property on the tax rolls in the state, and upon all the evidence, proofs, statistics and information obtainable from all available sources, shall, according to their best knowledge and judgment, ascertain and determine the true cash value of all the general property of the state liable to state, county and local taxes in the then present year, and shall enter

upon its records the aggregate true cash value of such property.

Reviews; hearing. SECTION 11. The board shall meet at the capitol at Madison on the second Tuesday of November in each year and continue in session from day to day, unless adjourned for a longer time, for such period as may be necessary, not later than the fifteenth day of December following, for the purpose of reviewing the valuation and assessment of the property of the companies on the assessment roll, and the value of the general property of the state. Any company interested shall have the right to appear and be heard as to the value and assessment of the property of such company and the tax to be levied thereon, and as to the value of the general property of the state, and the board may on such application or of its own motion correct the valuation or assessment of such company in such manner as will in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state, and may correct the valuation of the general property of the state. The assessed value of the property of a company as it appears on the roll shall not be increased without notice to the company by registered letter that such increase is contemplated, and fixing the time for a hearing in relation thereto. The attorney general shall attend at such hearings and represent the interest of the state.

Aggregate tax determined, how. SECTION 12. The board on or between the first Monday in December and the fifteenth day of January in each year upon returns from the secretary of state or from county, town, city and village officers, or both, shall ascertain and determine the aggregate tax in the whole state for state, county and local purposes levied on the general property of the state excluding special assessments on property for local improvements, and when the aggregate of all taxes, state, county and local consolidated, is thus ascertained and determined, the amount thereof shall be entered on the records of the board.

Powers conferred. SECTION 13. When the officers of any town, city or village shall have failed to return the amount of state, county and local taxes, levied on property therein, within the time required by law, the said board may inspect and examine, or cause an inspection and examination of the records of such officers to procure the required information and when

no return is made and no information can be procured, the state, county and local taxes levied in such town, city or village in the prior year may be used in determining the aggregate taxes mentioned in section 12.

Rate of taxation, how fixed. SECTION 14. From the aggregate true cash value of the general property of the state and the aggregate of taxes so determined and entered on the records, the board shall compute and determine the average rate of taxation, state, county and local consolidated, by dividing the aggregate taxes by the aggregate true cash value of the general property of the state upon which said taxes were levied as revised and corrected by the board, which said rate so arrived at and determined shall be entered upon the records of the board and shall constitute the rate of taxation on the true cash value of the property of the companies liable to taxation under this act.

Tax, how levied; certificate. SECTION 15. The board shall compute and levy a tax upon the property of each company as assessed at the average rate of taxation determined as aforesaid, and the amount of tax to be paid by each company shall be extended upon the assessment roll opposite the description of the property of the respective companies. After the completion of said tax roll, and prior to the first day of May in each year, the board shall attach thereto a certificate signed by the members of said board, or a majority thereof, which shall be as follows:

We do hereby certify that the foregoing tax roll includes the properties of all street railway and light, heat and power companies liable to taxation in this state; that the valuation of the property of each company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment, and that we have assessed and levied the taxes thereon charged in said tax roll at the average rate of taxation in this state as required by law.

The said tax roll shall thereupon forthwith be delivered to the state treasurer, who shall immediately notify by registered mail the several companies taxed therein to pay the taxes extended thereon, to the state treasurer on or before the first day of December in each year. The taxes extended against any company after the same become due with interest, shall be a lien upon all the property of such company prior to all other liens, claims and demands whatsoever, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of such company within the state as an entirety.

Re-assessments. SECTION 16. If any tax levied under the provisions of this act shall be adjudged illegal and non-enforcible, or shall be set aside by any court of the state of competent jurisdiction, it shall be the duty of said board, whether any part of the taxes assessed and levied have been paid or not, to forthwith re-ascertain and re-determine the value of the property of the companies or the value of the general property of the state or the average rate of taxation throughout the state as may be required, and when such re-ascertainment and re-determination has been made, to make a duplicate of the original assessment roll and to extend the taxes thereon according to such re-assessment and when such duplicate roll has been made and the taxes extended thereon in the manner provided in this section, it shall be of the same force and effect as an original assessment made in accordance with law. All proceedings for such re-assessment and for the extension, payment and collection of taxes upon such duplicate assessment roll shall be conducted in the method originally provided for as near as may be. The board shall fix the time and place for the hearings or proceedings for the re-assessment and give notice thereof by mail to the companies.

The power to re-asses the property of any company and the gneral property of the state, and to re-determine the average rate of taxation, may be exercised as aforesaid and as often as may be necessary until the amount of taxes legally due from any such company for any year under the provisions of this act, has been finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under this act so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment upon said property and the re-assessment of taxes to that extent shall be deemed to be satisfied.

When the tax roll on the re-assessment is completed and delivered to the state treasurer, he shall immediately notify by registered mail each of the several companies taxed therein to pay the amount of the taxes extended thereon within thirty days.

How construed. SECTION 17. No tax assessed upon any of the general property of the state and no average rate determined by said board as herein required, shall be held invalid on account of any assessment, or tax roll, not having been made or proceedings had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any corporation or per-

son other than the owner, or on account of any other irregularity, informality or omission, if the method and manner of ascertaining and determining the average rate of taxation on property in this state is in substantial accordance with the statutes of this state.

Proceedings; provisions directory. SECTION 18. The proceedings of the board shall be presumed to be regular and the determination of the board shall not be impaired, vitiated or set aside upon any grounds not affecting the substantial justice of the tax.

The provisions in this act prescribing a date or period at or within which an act shall be performed or determination shall be made by the board shall be deemed directory only, and no failure to perform any such act or make such determination at or within the time prescribed therefor shall affect the validity of such act or of any determination made by the board, unless it shall appear that substantial injustice has resulted therefrom.

Payment of tax justly and equitably due. SECTION 19. In any action, suit or proceeding brought by such company, in the state court to set aside, restrain, or postpone the payment or collection of any tax levied upon the property of the company, no injunction, order or writ to enjoin or restrain the payment or collection of the tax shall issue, or be continued in force, unless said company shall pay to the state treasurer for the use of the state the amount of taxes which the court shall determine primarily to be justly and equitably due from such company. Such primary determination shall be made by the state court in which the action, suit or proceeding is pending, upon motion, summarily and without delay.

In case the amount of tax justly and equitably due from such company, shall be finally determined to be less than the amount so paid, the excess shall be refunded to such company by direction of the court, and for that purpose the secretary of state, upon the filing in his office of a certified copy of such final determination, shall draw a warrant upon the state treasurer for the amount to be so refunded.

Action may be brought, when. SECTION 20. Any company claiming to be aggrieved by the levy of a tax upon its property, and alleging facts showing substantial injustice in the determination of the board, may within six months from the

payment of the tax, and not thereafter, bring and maintain an action against the state in the circuit court of the state to recover such part of the tax as shall exceed the amount the company should have paid. The state may be served with a summons in such action by delivering a copy to the attorney general or leaving it at his office in the capitol with one of his assistants. The attorney general shall appear and defend the action in behalf of the state.

Place of trial. SECTION 21. Any action brought by any company to cancel or set aside any tax or enjoin the collection thereof under the provisions of sections 16 or 19 or to recover back any taxes under the provisions of section 20, shall be commenced and tried in the circuit court for the county of Dane, and the place of trial thereof shall not be changed except upon consent of parties. If the judge of said court shall be disqualified, or if the statutory affidavit of prejudice be filed, such judge shall call upon some other circuit judge of the state to attend and hold court for the trial of such action in accordance with the provisions of section 2625, statutes of 1898, as amended by chapter 101, of the laws of 1901, except as hereinafter provided; and it is hereby made the duty of such circuit judge so called upon to attend and conduct the trial of such action.

The power to call in another judge and the jurisdiction of such judge to attend and hold court for the trial of any such action shall not expire with the term at which the application is made or affidavit of prejudice is filed nor at any subsequent term of court, but shall continue until the action is tried and final judgment entered. The said circuit court after the trial of any such action is commenced may in its discretion for proper cause adjourn the trial thereof from time to time beyond the dates fixed by statute for the terms of court in said county.

Interest, rate of; delinquent taxes. SECTION 22. All taxes which shall not be paid at the time provided in this act shall thereupon become delinquent and shall bear interest at the rate of fifteen per cent per annum from the time the same become delinquent until actually paid.

The neglect of any company to pay the taxes and interest thereon within sixty days after the entry of final judgment dismissing in whole or in part any action of such company to restrain or set aside a tax or the neglect of any company

within sixty days after the entry of final judgment in favor of the state for the taxes and interest to pay the judgment shall be cause for forfeiture of all the rights, privileges and franchises whether granted by special charter or obtained under general laws, by or under which such company is organized and its business is operated.

The attorney general upon such neglect shall proceed by action to have forfeiture of such rights, privileges and franchises of such company duly declared.

Any such company, at any time before the final judgment for forfeiture of such rights, privileges and franchises is rendered, may be permitted upon good cause shown to make payment of the taxes, interest, and costs herein provided, upon special application to the court in which the action to declare such forfeiture is pending upon such terms as the court shall direct.

Lien; change of venue; equity; judgment; substitute judge. SECTION 23. The taxes levied upon and extended against the property of any company, after the same become due, with interest thereon, shall become a lien upon the property of such company within the state prior to all other liens, debts, claims, or demands whatsoever, which lien may be enforced in an action in the name of the state in any state court of competent jurisdiction against such company and against the property of such company within the state. The place of the trial shall not be changed from the county in which any such action is commenced, except upon consent of parties. The action to recover taxes and interest and to enforce the same as a lien shall be an action in equity and shall be commenced and carried on and judgment entered according to the laws of the state and the rules and practice of courts of equity so far as applicable. No reference shall be made to take testimony or to hear, try and determine the issues of fact in the action. The judgment shall fix the amount of taxes, and interest, adjudge the same a lien on the property of the company and provide for the sale of such property in ninety days after the entry of judgment upon publication of the notice of sale in the official state paper for four consecutive weeks prior to such sale. The judgment shall bear interest at the rate of ten per cent per annum from the date of entry until finally paid.

The state treasurer for and in the name of the state may bid at the sale and the state may become the purchaser of the property of a company under a judgment for its sale for taxes, interest and costs.

If the judge of the court in which such action is commenced shall be disqualified, or an affidavit of prejudice is filed, such judge shall call upon some other circuit judge to attend and hold court for the trial of the action, according to the mode provided in section 21.

Time of assessments. SECTION 24. The first assessment of the property of the companies under this act shall be commenced in the year 1907 and be completed in the year 1908 and shall be known as the assessment of 1908, and the second assessment of the property of the companies under this act shall be commenced in the year 1908 and completed in the year 1909 and shall be known as the assessment of 1909. Assessments thereafter shall be commenced and completed in a similar manner.

To be in lieu of all other taxes. SECTION 25. The taxes imposed by this act shall be in lieu of all other taxes on the property of such companies necessarily used in the operation of the business of such companies in this state, except the same shall be subject to special assessment for local improvements in cities and villages. The taxes hereby imposed or paid by such companies shall also be in lieu of all taxes on the shares of stock of such companies owned or held by individuals of this state and such shares of stock in the hands of individuals shall be exempt from further taxation.

Moneys, how applied. SECTION 26. All taxes collected from companies under the provisions of this act shall be paid to the state treasurer and become a part of the general fund for the use of the state except as hereinafter provided.

Experts; clerks; assistants; compensation. SECTION 27. The said board is authorized and empowered to employ an expert engineer, and expert accountant and such clerks and assistants as may be necessary to properly perform the duties imposed by this act, and in the work of the valuation and taxation of the property of the companies, and to fix their compensation. The compensation and necessary expenses of such experts, clerks and assistants, and the expenses of the members of the board shall be paid out of the treasury, as the salaries and expenses of other state officers are paid, and a sum sufficient to carry out the provisions of this act is hereby appropriated.

Expenses, etc., of judge; fees of officers. SECTION 28. The railroad fare and other expenses of any judge who may be called in and shall attend and hold court for the trial of any action under the provisions of this act, not exceeding five dollars per day for such expenses, shall be paid out of the state treasury upon the certified statement of such judge filed with the secretary of state and audited by him.

The fees of the sheriff and one deputy, the clerk of the court and one deputy, and the official stenographer for attendance upon the court for the trial of any action under this act, upon the certification of said clerk and approval by the attorney general shall be audited by the secretary of state and paid out of the state treasury.

Municipalities, record of. SECTION 29. Before the assessment and tax roll is delivered to the state treasurer the board from the reports of the companies and from all the evidence, information and statistics obtainable, shall ascertain and determine the total gross receipts of every company from the operation of its business within the state and the amount of the gross receipts from the operation of the business of each such company within each town, city and village within or through which the lines of the company extend or in which its business is operated and carried on for the year ending the 31st day of December preceding the date of the report under section 5.

The total gross receipts of each company shall be entered upon the records of the board and opposite the names of the municipalities within which the business of such company is operated and carried on, shall be entered the amount of the gross receipts which the board ascertain and determines was obtained from the operation of the business of the company within or through each such municipality.

Tax apportioned, how. SECTION 30. The state shall retain fifteen per cent of the taxes paid into the treasury under the provisions of this act and eighty-five per cent of the taxes so paid by any company shall be distributed to the towns, cities and villages within or through which the business of the company was carried on and operated in proportion to the gross receipts from operation in each such town, city or village during the calendar year specified in section 29.

The board shall ascertain and determine the amount of the tax when paid into the state treasury by any company which on the basis of eighty-five per cent of the whole shall be distributed

to the towns, cities and villages through or in which its business is operated and shall cause to be entered in the record of the board the names of such towns, cities and villages and opposite the names thereof, the amount of taxes to be paid to each such municipality.

The board shall prepare a distribution tax roll in triplicate containing a list of the companies assessed and taxed under this act with the total tax levied on the property of each company and immediately following the name of each company the names of the towns, cities and villages in which the lines of the company are operated and its business carried on and shall enter opposite the names thereof the amount of the taxes each such town, city and village shall receive from the state. To these rolls shall be annexed the following certificate signed by the members of the board or a majority thereof:

We hereby certify the foregoing distribution tax roll contains the names of all street railway and light, heat and power companies liable to taxation in this state with the tax levied upon their respective properties and that we have ascertained and determined the amount of taxes to be distributed to towns, cities and villages through or within which the business of each company is operated and carried on according to law and that the amount set opposit the names of each town, city and village on the foregoing roll is the true amount which shall be paid to said towns, cities and villages.

The board at the time the assessment and tax roll is delivered to the state treasurer shall deliver the certified distribution tax roll to him and a certified copy of the distribution tax roll shall also be delivered to the secretary of state.

Partial payments, how apportioned; refund. SECTION 31. When the taxes due from any company shall be paid in whole or in part to the state treasurer, he shall forthwith notify the secretary of state of the name of the company and the amount of the payment and the secretary of state shall audit the amounts payable to each municipality and the treasurer shall pay the same. In case only a part of the tax due from a company is paid, a proportionate part shall be audited and paid to the municipalities. If a tax due from a company becomes delinquent and is subsequently collected or paid into the state treasury with interest thereon, the interest on eighty-five per cent of the tax shall also be distributed to municipalities in the same proportion as herein provided for payment of the tax itself.

If the state is compelled to refund the whole or any part of the tax received from any company and a part of such tax has been distributed to municipalities under the provisions of this act, such municipalities shall repay to the state the proper proportion of such tax so received by them and the secretary of state shall certify the amounts to be repaid to the state to the county clerks of the counties in which such municipalities are located for levy and collection from said municipalities as other state taxes are levied and collected.

Conflicting laws repealed. SECTION 32. Sections 1222c, 1222d, 1222e, 1222f of the statutes of 1898, chapter 354 of the laws of 1899, chapter 197 of the laws of 1903, and all acts and parts of acts inconsistent with this act are hereby repealed, but such repeal shall not defeat, remit or affect the license fees paid or to be paid by the companies in 1905, 1906 and 1907, nor affect any penalty or remedy for the failure or neglect to pay license fees in said year. The reports of earnings shall be made and license fees paid by said companies for the years 1905, 1906 and 1907 pursuant to existing laws.

SECTION 33. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 724, A.] [Published June 28, 1905.

CHAPTER 494.

AN ACT to provide for the taxation of the property of telegraph companies and making an appropriation therefor, and to repeal sections 1216, 1217, 1218, and subdivision 15 of section 1038 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment of, how made. SECTION 1. That the commissioner of taxation, the first assistant commissioner of taxation and the second assistant commissioner of taxation shall be ex-

officio a state board of assessment and as such shall make an annual assessment of the property of all telegraph companies within this state for the purpose of levying and collecting taxes thereon as hereinafter provided. The secretary of the commissioner of taxation shall be secretary of the board.

Terms defined. SECTION 2. For the purposes of this act the following provisions and definitions are made:

1. The term "board" in this act, without other designation, means the state board of assessment, hereby created for the assessment and taxation of the property of the companies herein described.

2. Any person, co-partnership, association, company or corporation owning or operating any telegraph or cable line in this state with appliances for the transmission of messages and engaged in the business of furnishing telegraph service for compensation as owner, lessee or otherwise shall be deemed, held and known as a telegraph company.

3. The word "company" in this act without other designation or qualification shall mean and include any telegraph company as herein defined. The words "property of a company" without other designation or qualification shall mean and include the property of any telegraph company.

4. The term "property of a company" or "property of the company" as used in this act shall include all franchises, right of way, poles, wires, cables, devices, appliances, instruments, equipment and all other real and personal property of such company used or employed in the operation of the company or in conducting its business and shall include all title and interest in such property as owner, lessee or otherwise.

5. The company operating a line or lines in this state with all property and appliances connected and used therewith in the service, shall be the representative of every title and interest in the property of the company as owner, lessee or otherwise, and notice to the operating company shall be notice to all interests in the property for the purpose of taxation. The assessment and taxation of the property of a company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind or nature.

6. The term "general property of the state" shall be deemed to include all real and personal property appearing upon the assessment rolls and tax rolls throughout the state upon which state, county and local taxes are levied and collected with such

changes and corrections made by the board as hereinafter provided.

Access to record authorized. SECTION 3. The board shall have access to all books, papers, documents, statements or accounts on file, or of record in any of the departments of the state. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, towns, cities, villages and assessment districts, and the officers thereof shall in form prescribed by said board make returns to it of all information which may be called for. Said board shall have the power, by a summons signed by a member of said board and served in like manner as a subpoena issued from courts of record, to compel witnesses to attend, give evidence and to produce books and papers. Any member of the board or the secretary thereof is authorized to administer the oath to witnesses. The attendance of any witness may be compelled by attachment issued by any circuit court upon a proper showing that such witness has been duly served with the summons, and has refused to appear before said board. In case of the refusal of a witness to produce books, papers, documents or accounts, or to give evidence on matters material to the hearing, such refusal shall be reported to the attorney general who shall thereupon institute proceedings in the proper circuit court to compel such witness to testify or produce books and papers and to punish him for the refusal. The person serving such summons shall receive the same compensation as now allowed to sheriffs or other officers for serving subpoenas. The person appearing before said board in obedience to the summons shall, in the discretion of the board, receive the same compensation as a witness in the circuit court, to be audited by the secretary of state on the certificate of a member of said board. The records, books, accounts and papers of any person, association or corporation owning or operating property to be assessed under this act shall be subject to the visitation, inspection and examination by said board or such person as it may designate.

Depositions. SECTION 4. The board in any matter material to the valuation, assessment or taxation of the property of a company may cause the depositions of witnesses residing without the state or absent therefrom to be taken, upon notice to the company interested, in like mode as the deposition of witnesses are taken in civil actions pending in the circuit court.

Annual reports. SECTION 5. Every company operating a telegraph line or lines, in this state shall annually between the first day of July and the first day of September in each year, under the oath of the president or other chief officer and the secretary, treasurer, auditor or superintendent of such company, make and file with the board in such form as said board may prescribe, reports containing the following facts:

1. The name of the company.

2. The nature of the company, whether a person, association, company or corporation, and under the laws of what state or country organized, the date of original organization, date of re-organization, consolidation or merger, with specific reference to laws authorizing the same.

3. The location of its principal office.

4. The name of the place where its books, papers and accounts are kept.

5. The name and postoffice address of the president, secretary, treasurer, auditor, superintendent, general manager, counsel, directors, and all other general officers.

6. The name and postoffice address of the chief officer or managing agent of the company in Wisconsin and of all other general officers residing in the state.

7. The total number of shares of capital stock.

8. The par value of the shares of the capital stock for the whole system showing separately: (1) Amount authorized. (2) Amount issued. (3) Amount outstanding. (4) Also the dividends paid thereon.

9. The market value of the shares of capital stock for the whole system, on the dates and for the periods the board may request or specify, but the average market value as near as may be of said shares shall be given at least for one year ending the 30th day of June preceding.

10. If such capital stock has no market value, the actual value on the dates and for the periods designated by said board.

11. The funded debt of the company for the whole system, and a detailed statement of all series of bonds, debentures or other securities, forming a part of the funded debt at par value, with date of issue, maturity, rate of interest and interest paid.

12. The market value of each series of funded debt for the whole system on the dates and for the periods designated by said board, and if the whole or a part of such funded debt has no market value, then the actual value thereof for such dates and periods as said board may specify, but the average market value

as near as may be of each series of funded debt shall be given at least for one year ending the 30th day of June preceding.

13. Such general description of the real estate of the company owned or operated in Wisconsin as would be sufficient in a conveyance thereof, under a judicial decree, directing a sale for taxes to vest in the grantee all title and interest in and to the said property.

14. A like description of the personal property, including moneys and credits held by the company as a whole system and the part thereof apportioned to the line in Wisconsin.

15. A statement in detail of all capital stock, bonds or other securities of such company owned by, or held in trust, for the company and the capital stock, bonds or other securities, of other persons, companies or corporations owned by, or held in trust for it and the par value and the market or actual value of the same.

16. The description and true value and assessed value of real estate within and without the state and the gross and net income therefrom if the company claims any deduction in the value of its property on account thereof.

17. A detailed description of all capital stock, bonds, mortgages, securities, credits and other personal property, if any, with the value thereof, owned by the company which is not used or employed in the business and is claimed to be exempt in the valuation of its property for taxation under this act.

18. Every such company shall also report:

a. The whole length of the lines of poles, single wire of the entire system and separately in this state.

b. The length of wire underground and on buildings of the entire system and in this state.

c. The length of wire and cable submarine for the entire system and in this state.

d. The number of miles of all wires and cables of the entire system and the miles of all wires and cables in this state.

e. The number of offices for the entire system and the number of offices in this state.

f. The number of messages received and transmitted for the entire system and the number received and transmitted in this state.

g. The average toll or charge per message and the average cost per mesage for the whole system, and separately, the average toll and cost per message in this state.

19. The entire gross earnings of the company from operation, expenses of operation, net earnings from operation and the in-

come from other sources for the whole system and in Wisconsin and the disposition made of such net earnings and income.

20. The annual report of the board of directors or other officers to the stockholders of the company.

21. Such other facts or information as the company may deem material upon the question of the taxation of its property in this state.

22. Such other facts and information as said board may reasonably require in form of returns prescribed by it.

23. Any company, association or corporation owning all or a majority of the capital stock of the company operating in this state or having practical control of any such company may be required to make report of such facts and information specified in this section as may be deemed necessary by the board to a correct valuation and assessment of the property of such operating company.

Blanks for making the above reports shall be furnished to such companies by said board except for the copies of reports required under the provisions of subdivision 20 of this section. In case any company refuses or neglects to make the reports required by this act, or refuses or neglects to furnish any information requested, the board shall inform itself the best it may on the matters necessary to be known in order to discharge its duties with respect to the valuation and assessment of the property of such company.

Personal property. SECTION 6. The property of a company as defined in section 2, subject to taxation under the provisions of this act, is declared to be personal property and the place of assessment and taxation of such property is fixed at the capital of the state.

Penalty for refusal. SECTION 7. If any company or its officers or agents shall refuse or neglect to make any reports required by this act or said board, or shall refuse or neglect to permit and inspection and examination of its records, books, accounts or papers when requested by said board, or shall refuse or neglect to appear before the board in obedience to a summons, such company shall be estopped to question or impeach the action or determination of the board, except upon satisfactory proof or fraud or mistake injurious to the company. No company shall be allowed in any action or proceeding to question the amount or valuation of its property as assessed by the board unless such company shall have

made and filed with such board a full and complete report of the facts and information prescribed by section 5 of this act and called for by the board thereunder, provided the refusal or neglect of such company to file the report in time may on application of the company and for good cause shown be excused by the board on condition that such company shall make a full and complete report of all facts and information mentioned in said section 5 within fifteen days after notice by mail of the amount of the preliminary valuation of the property of such company and shall appear before the board before the time of the final hearing and make a full disclosure of all property liable to assessment and taxation under this act and show the value of such property to the satisfaction of the board.

Preliminary hearing, how had. SECTION 8. The board on or between the first day of September and the first day of November in each year, according to their best knowledge and judgment shall ascertain and determine the true cash value of the property of each company within the state. Every such company shall be entitled on its own motion to a preliminary hearing and to present evidence before such board at any time on or between the first and fifteenth days of September relating to the value of the property of such company, or to the value of the general property of the state. On request in writing for such hearing or presentation, the board shall appoint a time and place therefor within the period aforesaid; the same to be conducted in such manner as the board shall direct. Such preliminary hearing shall not impair or affect the right to the further hearing provided for in section 11. The value of the property of a company for assessment shall be made on the same basis and for the same period of time as near as may be as the value of the general property of the state is ascertained and determined. The board shall prepare an assessment roll and place thereon after the name of each company assessed, the following general description of the property of such company, to-wit: "Real estate, right of way, poles, wires, cables, devices, appliances, instruments, franchises and all other real and personal property of said company," which shall be deemed and held to include the entire property and franchises of such company within the state, and all title and interest therein. For the purpose of determining the true cash value of the property of each company, appearing on the assessment roll, the board may, if deemed necessary, view and inspect the property of such company and shall consider the reports filed in compliance with this

act, and the reports and returns of the company filed in the office of any officer of this state, and such other evidence or information as may have been taken or obtained bearing upon the true cash value of the property of the company assessed. In case the companies which own or operate lines lying partly within or partly without the state, the said board shall only value and assess the property within this state. In determining the value of the portion within the state the board may take into consideration the value of the entire system, the mileage of the whole system and of the part within this state, together with such other information, facts and circumstances as will enable the board to make a substantially just and correct determination. When the true cash value of the property of a company within this state shall have been ascertained and determined the amount thereof shall be entered upon the assessment roll opposite the name of the company and shall be, and constitute, the assessment of the entired property of such company within this state for the levy of taxes thereon, subject to review and correction, as hereinafter provided. The board shall thereupon give notice by mail to each company assessed of the amount of its assessment as entered upon such roll.

Data before state board. SECTION 9. When the state board of assessment shall have valued the general property of the state and completed the assessment of said property subject to taxation pursuant to chapter 237, laws of 1901, or any amendments thereof, and not later than the first day of October in each year, the secretary of said state board of assessment shall lay before said board the different classes and value of said property set down in the list opposite the name of each county, as fixed and determined by the state board of assessment, together with the assessed valuation of all taxable property in each county, in the form as returned by the county clerks to the secretary of state, and all other statistics, returns, records, papers, and statements, which the state board of assessment considered in determining the valuation of the general property of the state or which were used in compiling statistics, or tables for consideration of the state board of assessment.

Cash value of all property determined. SECTION 10. The board not later than the first day of November in each year from the information laid before the board by the secretary of state or the secretary of the state board of assessment, statistics of the sales of real estate as returned to the secretary of

ate by the registers of deeds and the assessed value of said al estate, the returns of officers of the assessed value of said al estate, the returns of officers of the assessed value of all al and personal property on the tax rolls in the state, and pon all the evidence, proofs, statistics and informaiton obtainble from all available sources, shall, according to their best nowledge and judgment, ascertain and determine the true ash value of all the general property of the state liable to ate, county and local taxes in the then present year, and shall ter upon its records the aggregate true cash value of such roperty.

Reviews; hearing, how had. SECTION 11. The board shall eet at the capitol at Madison on the second Tuesday of ovember in each year and continue in session from day to ay, unless adjourned for a longer time, for such period as may e necessary, not later than the 15th day of December followg, for the purpose of reviewing the valuation and assessment f the property of the companies on the assessment roll and the alue of the general property of the state. Any company inerested shall have the right to appear and be heard as to the alue and assessment of the property of such company and the ax to be levied thereon, and as to the value of the general roperty of the state, and the board may on such application or f its own motion correct the valuation or assessment of such ompany in such manner as will in its judgment make the valution thereof just and relatively equal with the valuation of he general property of the state, and may correct the valuation f the general property of the state. The assessed value of the roperty of a company as it appears on the roll shall not be inreased without notice to the company by registered letter that uch increase is contemplated and fixing the time for a hearing n relation thereto. The attorney general shall attend at such earings and represent the interest of the state.

Aggregate tax determined, how. SECTION 12. The board on r between the first Monday in December and the fifteenth day f January in each year upon returns from the secretary of tate, or from county, town, city and village officers or both, hall ascertain and determine the aggregate tax in the whole tate for state, county and local purposes levied on the general roperty of the state, excluding special assessments on proprty for local improvements, and when the aggregate of all axes, state, county and local consolidated, is thus ascertained

and determined, the amount thereof shall be entered on the records of the board.

Powers conferred. SECTION 13. When the officers of any town, city or village shall have failed to return the amount of state, county and local taxes, levied on property therein within the time required by law, the said board may inspect and examine, or cause an inspection and examination of the records of such officers to procure the required information and when no return is made and no information can be procured, the state, county and local taxes levied in such town, city or village in the prior year may be used in determining the aggregate taxes mentioned in section 12.

Rate of taxation, how fixed. SECTION 14. From the aggregate true cash value of the general property of the state and the aggregate of taxes so determined and entered on the records, the board shall compute and determine the avearge rate of taxation, state, county and local consolidated, by dividing the aggregate taxes by the aggregate true cash value of the general property of the state upon which said taxes were levied as reviewed and corrected by the board, which said rate so arrived at and determined shall be entered upon the records of the board and shall constitute the rate of taxation on the true cash value of the property of the companies liable to taxation under this act.

Tax, how levied; certificate. SECTION 15. The board shall compute and levy a tax upon the property of each company as assessed at the average rate of taxation determined as aforesaid, and the amount of tax to be paid by each company shall be extended upon the assessment roll opposite the description of the property of the respective companies. After the completion of said tax roll, and prior to the first day of February in each year, the board shall attach thereto a certificate signed by the members of said board, or a majority thereof, which shall be as follows: We do hereby certify that the foregoing tax roll includes the properties of all telegraph companies liable to taxation in this state; that the valuation of the property of each company as set down in said tax roll is the true cash value thereof according to our best knowledge and judgment, and that we have assessed and levied the taxes thereon charged in said tax roll at the average rate of taxation in this state as required by law. The said tax roll shall thereupon forthwith

be delivered to the state treasurer, who shall immediately notify by registered mail the several companies taxed therein to pay the taxes extended thereon, to the state treasurer on or before the first day of June in each year. The taxes extended against any company after the same become due, with interest, shall be a lien upon all the property of such company prior to all other liens, claims and demands whatsoever, which lien may be enforced in an action in the name of the state in any court of competent jurisdiction against the property of such company within the state as an entirety.

Re-assessments. SECTION 16. If any tax levied under the provisions of this act shall be adjudged illegal and non-enforcible, or shall be set aside by any court of the state of competent jurisdiction, it shall be the duty of said board, whether any part of the taxes assessed and levied have been paid or not, to forthwith re-ascertain and re-determine the value of the property of the companies or the value of the general property of the state or the average rate of taxation throughout the state as may be required; and when such re-ascertainment and re-determination have been made, to make a duplicate of the original assessment roll and to extend the taxes thereon according to such re-assessment and when such duplicate roll has been made and the taxes extended thereon in the manner provided in this section, it shall be of the same force and effect as an original assessment made in accordance with law. All proceedings for such re-assessment and for the extension, payment and collection of taxes upon such duplicate assessment roll shall be conducted in the method originally provided for as near as may be. The board shall fix the time and place for the hearings or proceedings for the re-assessment and give notice thereof by mail to the companies. The power to re-assess the property of any company and the general property of the state, and to re-determine the average rate of taxation, may be exercised as aforesaid and as often as may be necessary until the amount of taxes legally due from any such company for any year under the provisions of this act, has been finally and definitely determined. Whenever any sum or part thereof, levied upon any property subject to taxation under this act so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment upon said property and the re-assessment of taxes to that extent shall be deemed to be satisfied. When the tax roll on the re-assessment is completed and delivered to the state treasurer, he shall immediately notify

by registered mail each of the several companies taxed therein to pay the amount of the taxes extended thereon within thirty days.

How construed. SECTION 17. No tax assessed upon any of the general property of the state and no average rate determined by said board as herein required, shall be held invalid on account of any assessment, or tax roll, not having been made or proceeding had within the time required by law, or on account of the property having been assessed without the name of the owner, or in the name of any corporation or person other than the owner, or on account of any other irregularity, informality, or omission, if the method and manner or ascertaining and determining the average rate of taxation on property in this state is in substantial accordance with the statutes of this state.

Proceedings; provisions directory. SECTION 18. The proceedings of the board shall be presumed to be regular and the determination of the board shall not be impaired, vitiated or set aside upon any grounds not affecting the substantial justice of the tax. The provisions in this act prescribing a date or period at or within which an act shall be performed or determination shall be made by the board shall be deemed directory only, and no failure to perform any such act or make such determination at or within the time prescribed therefor shall affect the validity of such act or of any determination made by the board, unless it shall appear that substantial injustice has resulted therefrom.

Payment of tax justly and equitably due. SECTION 19. In any action, suit or proceeding brought by such company, in the state court to set aside, restrain, or postpone the payment or collection of any tax levied upon the property of the company, no injunction, order or writ to enjoin or restrain the payment or collection of the tax shall issue, or be continued in force, unless said company shall pay to the state treasurer for the use of the state the amount of taxes which the court shall determine primarily to be justly and equitably due from such company. Such primary determination shall be made by the state court in which the action, suit or proceeding is pending, upon motion, summarily and without delay. In case the amount of tax justly and equitably due from such company shall be finally determined to be less than the amount so paid, the excess shall be refunded to such company by direction of the

court, and for that purpose the secretary of state, upon the filing in his office of a certified copy of such final determination, shall draw a warrant upon the state treasurer for the amount to be so refunded.

Action to set aside tax, when may be brought. SECTION 20. Any company claiming to be aggrieved by the levy of a tax upon its property, and alleging facts showing substantial injustice in the determination of the board, may within six months from the payment of the tax, and not thereafter, bring and maintain an action against the state in the circuit court of the state to recover such part of the tax as shall exceed the amount the company should have paid. The state may be served with a summons in such action by delivering a copy to the attorney general or leaving it at his office in the capitol with one of his assistants. The attorney general shall appear and defend the action in behalf of the state.

Place of trial. SECTION 21. Any action brought by any company to cancel or set aside any tax or enjoin the collection thereof under the provisions of sections 16 or 19 or to recover back any taxes under the provisions of section 20 shall be commenced and tried in the circuit court for the county of Dane and the place of trial thereof shall not be changed except upon consent of parties. If the judge of said court shall be disqualified, or if the statutory affidavit of prejudice be filed, such judge shall call upon some other circuit judge of the state to attend and hold court for the trial of such action in accordance with the provisions of section 2625, statutes of 1898, as amended by chapter 101 of the laws of 1901, except as hereinafter provided; and it is hereby made the duty of such circuit judge so called upon to attend and conduct the trial of such action. The power to call in another judge and the jurisdiction of such judge to attend and hold court for the trial of any such action shall not expire with the term at which the application is made or affidavit of prejudice is filed, nor at any subsequent term of court, but shall continue until the action is tried and final judgment entered. The said circuit court after the trial of any such action is commenced, may in its discretion, for proper cause adjourn the trial thereof from time to time beyond the dates fixed by statute for the terms of court in said county.

Interest, rate of; delinquent taxes; forfeitures. SECTION 22. All taxes which shall not be paid at the time provided in this

act shall thereupon become delinquent and shall bear interest at the rate of fifteen per cent per annum from the time the said become delinquent until actually paid. The neglect of any company to pay the taxes, and interest thereon, within sixty days after the entry of final judgment dismissing in whole or in part any action of such company to restrain or set aside a tax or the neglect of any company within sixty days after the entry of final judgment in favor of the state for the taxes and interest to pay the judgment shall be cause for forfeiture of all the rights, privileges, and franchises, whether granted by special charter or obtained under general laws, by or under which such company is organized and its business operated. The attorney general upon such neglect shall proceed by action to have forfeiture of such rights, privileges, and franchises of such company duly declared. Any such company, at any time before the final judgment for forfeiture of such rights, privileges and franchises is rendered, may be permitted upon good cause shown to make payment of the taxes, interest, and costs herein provided, upon special application to the court in which the action to declare such forfeiture is pending upon such terms as the court shall direct.

Liens; change of venue; reference; equity proceedings; judgment; judge. SECTION 23. The taxes levied upon and extended against the property of any company, after the same become due, with interest thereon, shall become a lien upon the property of such company within the state prior to all other liens, debts, claims or demands whatsoever, which lien may be enforced in an action in the name of the state in any state court of competent jurisdiction against such company and against the property of such company within the state. The place of the trial shall not be changed from the county in which any such action is commenced, except upon consent of parties. The action to recover taxes and interest and to enforce the same as a lien shall be an action in equity and shall be commenced and carried on and judgment entered according to the laws of the state and the rules and practice of courts of equity so far as applicable. No reference shall be made to take testimony or to hear, try and determine the issues of fact in the action. The judgment shall fix the amount of taxes and interest, adjudge the same a lien on the property of the company and provide for the sale of such property in ninety days after the entry of judgment upon publication of the notice of sale in the official state paper for four consecutive weeks prior to such sale. The

udgment shall bear interest at the rate of ten per cent per annum from the date of entry until finally paid. The state reasurer for and in the name of the state may bid at the sale and the state may become the purchaser of the property of a company under a judgment for its sale for taxes, interest, and costs. If the judge of the court in which such action is commenced shall be disqualified or an affidavit of prejudice is filed, such judge shall call upon some other circuit judge to attend and hold court for the trial of the action, according to the node provided in section 21.

Time of assessments. SECTION 24. The first assessment of the property of companies under this act shall be commenced in the year 1906 and be completed in the year 1907 and shall be known as the assessment of 1907, and the second assessment of the property of companies under this act shall be commenced in the year 1907 and completed in the year 1908 and shall be known as the assessment of 1908. Assessments thereafter shall be commenced and completed in a similar manner.

To be in lieu of all other taxes. SECTION 25. The taxes imposed by this act shall be in lieu of all other taxes on the property of such companies necessarily used in the operation of the business of such companies in this state, except the same shall be subject to special assessment for local improvements in cities and villages. Real estate of the company is excepted from this act and shall be subject to local taxation like the property of individuals. The taxes hereby imposed or paid by such companies shall also be in lieu of all taxes on the shares of stock of such companies owned or held by individuals of this state and such shares of stock in the hands of individuals shall be exempt from further taxation.

Moneys, how applied. SECTION 26. All taxes collected from companies under the provisions of this act shall be paid to the state treasurer and become a part of the general fund for the use of the state.

Experts; clerks and assistants; compensation. SECTION 27. The said board is authorized and empowered to employ an expert engineer, an expert accountant and such clerks and assistants as may be necessary to properly perform the duties imposed by this act and in the work of the valuation and taxation of the property of the companies, and to fix their compen-

sation. The compensation and necessary expenses of such experts, clerks and assistants and the expenses of the members of the board shall be paid out of the treasury, as the salaries and expenses of other state officers are paid, and a sum sufficient to carry out the provisions of this act is hereby appropriated.

Expenses, etc., of judge; fees of officers, etc. SECTION 28. The railroad fare and other expenses of any judge who may be called in and shall attend and hold court for the trial of any action under the provisions of this act, not exceeding five dollars per day for such expenses, shall be paid out of the state treasury upon the certified statement of such judge filed with the secretary of state and audited by him. The fees of the sheriff and one deputy, the clerk of the court and one deputy and the official stenographer for attendance upon the court for the trial of any action under this act, upon the certification of said clerk and approval by the attorney general shall be audited by the secretary of state and paid out of the state treasury.

Conflicting laws repealed. SECTION 29. Sections 1216, 1217, 1218, and subdivision 15 of section 1038 of the statutes of 1898 are hereby repealed, but such repeal shall not defeat, remit or affect the license fees paid or to be paid by any such company to the state in the years 1905 and 1906, nor affect any penalty or remedy for the failure or neglect to pay license fees according to the provisions of said sections.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 640, A.] [Published June 29, 1905.

CHAPTER 495.

AN ACT to amend sections 4, 5, 8, 9, 10, 11 and 12 of chapter 459, of the laws of 1901, relating to the use of voting machines.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of council, etc., to purchase. SECTION 1. Section 4 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 4. The common council of any city, the trustees of any village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine approved in the manner * * * set forth in this act, by the voting machine commission, and none other; *provided, however, that no machine shall be adopted or purchased by any village or town until the question of such adoption and purchase shall have been submitted to a vote of the people of such village or town at some regular village or town election, and a majority of the votes cast on such question shall have been in favor of such adoption and purchase.* If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in *any* city, village or town as many may be supplied as it is practicable to procure, and the same shall be used in such precincts of the municipality as the proper officers may order. The proper officers of any city, village, or town may, not later than *sixty days before any election,* unite two or more precincts *or wards* into one *election precinct* for the purpose of using therein at such election a voting machine, *provided, in case two or more wards shall be so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards;* and *a* notice of such uniting shall be given in the manner prescribed by law for the change of election districts.

Payment for. SECTION 2. Section 5 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section

5. Payment for voting machines purchased may be provided for in such manner as is deemed for the best interests of the city, village, or town *purchasing the machine,* and *any such city, village, or town* may borrow money for that purpose *or may issue notes, certificates of indebtedness, or other obligations which shall be a charge upon the city, village or town.*

Ballots, how provided for; sample ballots; posting of. SECTION 3. Section 8. of chapter 459 of the laws of 1901 is hereby amended to read as follows: Section 8. Ballots shall be provided by the respective city and county clerks for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor. The ballots shall be placed on or in the machine in the order of arrangement provided by section 39 of the statutes of 1898, except that they may be vertical columns or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose. The officers charged with the duty of providing ballots for any polling place, shall provide therefor five sample ballots which shall be exact copies of the official ballots which are caused to be printed by them, but on different colored paper from the official ballots; said sample ballots shall be arranged in the form of a diagram showing the entire front of voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day. In addition to said sample ballots, the proper officers may furnish in connection therewith instruction cards, diagrams of the front of the machine with ballots pasted thereon, at least two of which shall also be posted up near the voting place, if furnished. All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election. *The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein.*

Duty of inspectors as to ballots; setting of machines. SECTION 4. Section 9 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 9. *The common council of every city, the board of trustees of every village, and the town board of every town* in which a voting machine is to be used shall cause the proper ballot to be put upon each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct, and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons *who shall be known as the voting machine custodian or custodians,* who shall be paid *for the time spent in the discharge of their duties in the same manner as the inspectors of election are paid. The said custodians shall, under the direction of such common council, village trustees or town board* cause the machine so labeled, in order, and set and adjusted, to be delivered at the voting precincts, together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, * * * *at least one hour before the time set* for opening the polls on election day. * * * *When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees, or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village or town in which the machine is to be used together with their written report of the condition of the machine.*

Irregular ballots; names not on official; how voted. SECTION 5. Section 10 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 10.* *The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at that election, and shall arrange the voting machine and furniture therein for the proper conduct of the election. They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballot furnished, and see that the names, numbers, and letters thereon agree. They shall,*

*Entire section is rewritten.

also, examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 0 0 0. If any counter in the voting machine shall be found not to register 0 0 0, a notice of such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board, and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day. The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns.

Locking of machine at close of polls; determining result. SECTION 6. Section 11 of chapter 459 of the laws of 1901 is hereby amended so as to read as follows: Section 11. *In case a voting machine may be adopted which provides for the registering or recording of votes of candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an irregular ticket, and any such votes shall not be counted, except for the office of presidential electors, and any elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a presidential electorial ticket composed entirely of names of persons not in nomination.*

As soon as the polls of the election are closed, the inspectors shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartment in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce, and return the same as provided *for on the return sheets and certificates furnished. In recording the votes registered on any counter that before the opening of the polls did not register 0 0 0, the inspectors shall upon the return sheets subtract the number registered on such counter before the opening of the polls from the number registered*

hereon at the close of the polls, and the difference between such umbers shall be taken as the correct vote for the candidate whose ame is opposite such counter on the voting machine, provided, owever, that if the number registered on such counter at the lose of the polls shall be smaller than the number registered hereon before the opening of the polls, the number one thousand hall be added to the number registered on such counter at the lose of the polls, before such subtraction shall be made.

SECTION 7. This act shall take effect and be in force from nd after its passage and publication.

Approved June 20, 1905.

No. 157, A.] [Published June 29, 1905.

CHAPTER 496.

AN ACT to amend chapter 90 of the laws of 1901, as amended by chapters 97 and 359 of the laws of 1903, relating to dependent, neglected and delinquent children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dependent and neglected child defined. SECTION 1. Section 1 of chapter 90 of the laws of 1901 as amended by chapters 97 and 359 of the laws of 1903, is hereby amended so as to read as follows: Section 1. The provisions of this act shall only apply to counties *containing cities of the first, second or third classes,* as ascertained by the last state or United States census. For the purposes of this act the words "dependent child," and "neglected child," shall mean any child under the age of sixteen years, who for any reason is destitute or homeless, or abandoned, or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame, or with any vicious or disreputable person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age

of eight years who is found peddling or selling any article, or singing or playing any musical instrument upon the street, or giving any public entertainment without a permit therefor, to be issued in his discretion by the judge of the juvenile court hereinafter provided for. The words "delinquent child," shall include any child, under the age of sixteen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; *or who knowingly visits or enters a house of ill-repute; or who patronizes, visits, or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yards or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse.* Where a parental school is available, a juvenile disorderly person *may* be classed as a delinquent.

Who to preside; style of court; jury, how, obtained. SECTION 2. Section 2 of chapter 90 of the laws of 1901 as amended by section 2 of chapter 97 of the laws of 1903, is hereby amended so as to read as follows: Section 2. The judges of the several * * * courts of record in counties where this act shall be in force shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear at such place and time as he may set apart for such purpose, all cases coming under this act, and in case of the absence, sickness or other disability of such judge he shall designate a judge of any court of record whose duty it shall be to act temporarily in his place. The findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record," and the court shall be called for convenience the "juvenile court," and the clerk of the court of which such judge is a member shall be the clerk of such "juvenile court." *The stenographic reporter of the court of which such judge is a member shall be the reporter of such "juvenile court," and shall attend all the sessions thereof and take down in shorthand the testimony taken and proceedings had at such sessions and*

promptly transcribe the same and forthwith file a copy with the clerk of such court, and also furnish such other copies as the judge shall order. The judges of the several courts of record in counties having over 150,000 population shall, on or before the first day of July, 1905, and on the first day of July of every second year thereafter, appoint a chief probation officer of said "juvenile court." Said chief probation officer shall be on duty daily during the same number of hours as the clerks of the courts and such other time as said judge may require, either in attendance upon the courts or in an office, or part thereof, which shall be furnished for the use of said chief probation officer by the board of supervisors of said county in the building in which said "juvenile court" is held. It shall be the duty of said chief probation officer to attend all the sessions of the "juvenile court" and to take such action as shall be for the best interests of the children brought before such court, to supervise the work of the probation officers and to receive and file their monthly and final reports; to find out each day what children are in custody and, before each session of said "juvenile court," to gather all evidence possible for the protection of each of said children; to receive all persons having business before the "juvenile court" and assist them in procuring necessary and suitable papers, and, in general to advise all persons needing information in regard to cases in which children are concerned, and to assist in the proper disposition of all such matters coming before the courts, and to perform such other duties as may be assigned to him by said judge of the "juvenile court." But it shall not be part of the duties of such chief probation officer to visit families or to perform the ordinary duties of a probation officer especially appointed for an individual child. Such chief probation officer shall receive per year such compensation for his services as shall be determined by the county board of said county, and said county board is empowered to fix the compensation of the chief probation officer in the same manner as the salaries of the other officers. and the compensation of the chief probation officer or his substitute provided for in this section, shall be paid monthly by the county in which such "juvenile court" shall be situated. In case of the absence or disability of said chief probation officer for more than three days, he shall designate some competent person to act in his stead to be approved by the judge of the "juvenile court," who shall receive during such appointment compensation for his services such sum as shall be determined by said county board. Said

chief probation officer or his substitute may be removed by the judges of the courts of record of such county for incompetence, or wilful or habitual neglect to perform the duties of his office. In the trials under this act of any dependent or delinquent child, any person interested therein may demand a jury of six, or the judge of his own motion may order a jury of the same number to try the case. Such jury when demanded or ordered shall be obtained in the manner provided in chapter 194 of the statutes of 1898, and the provisions of sections 4750 to 4758, both inclusive, of said chapter 194, shall be applicable to all such trials.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 786, A.] [Published June 29, 1905.

CHAPTER 497.

AN ACT to amend section 1863a of the statutes of 1898, as amended by chapter 465 of the laws of 1901, as amended by chapter 266 of the laws 1905, relating to condemnation proceedings by street and electric railway companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Condemnation. SECTION 1. Section 1863a of the statutes of 1898, as amended by chapter 465 of the laws of 1901, as amended by chapter 266 of the laws of 1905, is hereby amended so as to read as follows: Section 1863a. Any street or electric railway corporation shall have the power to lay out its right of way not exceeding 100 feet in width and acquire the same by condemnation and to construct its railway thereon; *provided, that wherever such corporation has constructed its railway on any street or highway under a franchise granted to it by any town or village board or city council, such corporation shall not, dur-*

ıg the term of such franchise, abandon or discontinue any part f such railway on a public street or highway within any town, illage or city without the consent of the proper town or village oard or city council. For the purpose of cuttings and embankıents and of obtaining gravel or other material such railway ıay take as much more land as may be necessary for the proper onstruction, operation and security of the road and cut down ny standing trees that may be in danger of falling on the road, ıaking compensation therefor as provided in chapter 87 of the tatutes of 1898, for lands taken by railroad companies, and ny such street or electric railway corporation may acquire by urchase, grant or condemnation and may hold or use such real state or other real or personal property as may be necessary for he construction, maintenance and operation of its railroad and f the stations, depot grounds and other accommodations reaonably necessary to accomplish the objects of incorporation; nd when reasonably necessary may take and acquire by condemnation or otherwise the right to run its cars over any bridge wned by any city of the second, third and fourth classes, towns nd villages, and the approaches thereto on the rails of any other treet or electric railway which it may meet, join, intersect or ross. All the provisions of subdivision 6 of section 1828 of hese statutes, relative to railroad crossings, shall apply to street nd electric railways. The commissioners therein named shall ave power to determine the place at, and manner in which grade r other crossings shall be made, and on an appeal from the letermination and award of such commissioners to the circuit ourt as provided by this chapter, in condemnation proceedngs, such court shall have power to review, reverse, modify or ffirm such award, both as to the amount of compensation therein rovided, and as to the manner of making such crossing, and nay make such reasonable provisions as it shall deem necessary or public safety; provided the provisions of section 1808 of the tatutes of 1898, shall not apply to trains operated by steam t crossings of such electric railways; and provided further that he appeal herein authorized, shall not prevent the construction f such crossing in the manner determined by the commissionrs, and the use of the same by the petitioner upon the filing f such determination and award, with the clerk of the circuit ourt and the payment of the amount of compensation awarded o the railroad company, or to the clerk of the court for its enefit; but the circuit court may in its discretion require the petitioning company to maintain a flagman or other safeguard

at such crossing pending the determination of such appeal. And such railways shall have the power to cause such examination and surveys for its proposed railroad to be made as may be necessary to the selection of the most advantageous route, and for such purpose, by its officers or agents and servants, to enter upon the lands or waters of any person, but subject to responsibility for all damage which shall be done thereto. All the provisions of these statutes relating to the exercise of eminent domain by railroad companies, shall apply to street and electric railway corporations, provided that nothing herein shall apply to any park or boulevard in any city or village, nor to any street, alley, bridge or viaduct therein, unless the use of such park, boulevard, street, alley, bridge or viaduct shall first be granted to such street or electric railway company by a franchise duly passed by the board of trustees or common council of such village or city; and provided, further, that nothing herein shall apply to the right of the public or the title of any city or village, in and to any park, boulevard, street, alley, bridge or viaduct within its limits. Provided, further, that as far as applicable the provisions of sections 1810, 1811, 1812, 1813 and 1814 of the statutes of 1898, relating to the construction and maintenance of fences and cattle guards by railroad companies, shall apply to street and electric railways.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 778, A.] [Published June 27, 1905.

CHAPTER 498.

AN ACT to amend section 3 of chapter 90 of the laws of 1903, relating to grand juries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grand jury, how chosen. SECTION 1. Section 3, chapter 90 of the laws of 1903, is hereby amended so as to read as follows: Section 3. Whenever any court or judge thereof shall direct a grand jury to be summoned as provided by section 2545, said commissioners shall write the names of all the persons selected as aforesaid on separate pieces of paper, each in the same manner as nearly as may be, fold the same, so that the name written thereon shall not be visible, and deposit such pieces of paper in a box containing but one compartment. Thereupon said box shall be thorougly shaken and the names of seventeen persons shall be drawn therefrom, one by one, in the presence of said commissioners and the presiding judge of the court ordering said grand jury to be summoned, by a child under ten years of age theretofore selected for such purpose by such judge, and the seventeen persons whose names are first drawn shall be the grand jury for said * * * court *until said grand jury shall be discharged by the presiding judge of said court.* Their names shall forthwith be entered in said record book and two lists thereof shall immediately be certified by said commissioners, one to the judge and the other to the clerk of the court at which such grand jury is required to attend.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 150, A.] [Published June 30, 1905.

CHAPTER 499.

AN ACT to authorize the state superintendent to appoint a competent person to act as an inspector of rural schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Inspector of rural schools. SECTION 1. The state superintendent is hereby authorized to appoint a competent and suitable person as an inspector of rural schools. It shall be the duty of said inspector to visit and inspect, as far as practicable, the rural schools of each county in the state and to procure information concerning the rural school districts. This inspector shall assist the state superintendent in preparing such special reports to the governor and legislature, bearing upon the conditions and needs of rural schools as may be advisable. It shall also be the duty of this inspector to confer with each county or district superintendent concerning the condition of the schools in his county or district; to consult with school officers, patrons and teachers in regard to school management, discipline, branches of study, school law and school sanitation and by public lectures, conferences and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the usual routine work of the elementary rural school. The inspector provided for by this chapter shall work under the direction of the state superintendent and shall report to him as often as may be deemed necessary, concerning the conditions found in the schools and districts inspected and of the work done in the discharge of his duties. When the rural schools are not in session, said inspector shall be assigned to other duties by the state superintendent.

Salary. SECTION 2. The inspector of rural schools shall receive as an annual salary two thousand dollars and shall be reimbursed for all actual and necessary traveling expenses when duly certified by the state superintendent. Such salary and expenses shall be paid out of the appropriation to the common school fund income provided for in chapter 313 of the laws of 1903.

Conflicting laws repealed. SECTION 3. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after July 1, 1905.

Approved June 20, 1905.

No. 775, A.] [Published June 30, 1905.

CHAPTER 500.

AN ACT amending section 5 of chapter 156 of the laws of 1901, relating to issuing certificates to scientists, to collect nests, eggs, birds and animals, except deer, for scientific purposes only, and repealing section 1498i of the statutes of 1898 as amended by section 26 of chapter 358 of the laws of 1901, and section 6 of chapter 156 of the laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Issue of scientific certificates. SECTION 1. Section 5 of chapter 156, laws of 1901, is hereby amended so as to read as follows: Section 5. The *state* fish and game warden may grant, on satisfactory testimonials of well known scientists only, a certificate to any member of an incorporated society of natural history, or to any professor of any university, school or college, or to any person properly accredited by any such institution, *or to any custodian of a public museum,* authorizing such person or institution to collect for scientific purposes only, the nests, eggs, animals (*except deer*), birds or fish protected by these statutes. No person to whom such certificate is issued * * * shall dispose of any such specimen except in exchange for scientific purposes. *All such certificates shall expire on the first day of January following the date of their issue, and shall not be transferable. Any person desiring to secure a scientific certificate shall make application to the state fish and game warden therefor, upon blanks to be furnished by the state fish and game warden department, and shall accompany such application with a fee of two dollars. Before any such cer-*

tificate shall be issued the applicant shall execute and deliver to the state fish and game warden a bond running to the state of Wisconsin. The bond of such applicant shall be in the sum of one hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this act, and the certificate issued thereunder, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth at least the sum of one hundred dollars, in property in this state, over and above all debts and liabilities and property exempt by law from sale on execution.

Moneys, how to be applied. SECTION 2. All moneys received under the provisions of this act shall be paid to the state treasurer and shall become a part of the hunting license fund.

Penalty. SECTION 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed not less than sixty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court. The certificate of any person convicted under this act shall be forfeited and such convicted person shall not be entitled to another certificate for the period of one year from and after the date of such conviction.

Certificates revoked. SECTION 4. All certificates heretofore issued are hereby revoked and declared null and void.

Laws repealed. SECTION 5. Section 1498i, as amended by section 26 of chapter 358 of the laws of 1901, and section 6 of chapter 156 of the laws of 1901, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 753, A.] [Published June 28, 1905.

CHAPTER 501.

AN ACT to amend section 1210d of the statutes of 1898 as amended by chapter 9 of the laws of 1901, as amended by chapter 19 of the laws of 1901 as amended by chapter 276 of the laws of 1903, relating to re-assessment of void speciall assessments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Re-assessment of special void assessments. SECTION 1. Section 1210d of the statutes of 1898, as amended by chapter 9 of the laws of 1901, and as amended by chapter 19 of the laws of 1901 as amended by chapter 276 of the laws of 1903, is hereby amended so as to read as follows: Section 1210d. Where the work of constructing any sewer or grading, graveling, planking, macadamizing, paving or re-paving any street or alley, or part thereof, or the curbing of or sodding along any sidewalk or the paving of any gutter *or the building or repair of any dock* in any city has been done, or may hereafter be done, and any special assessment has been or may be made against any property for such work, and such special assessment or any special assessment certificates, tax sale, tax sale certificate or special improvement bond based thereon is invalid because of such work having been done without authority of law, or for failure to make a proper assessment of benefits and damages, or to observe any provision of law, either in adopting any part of chapter 40a of the statutes of 1898, or otherwise, or because of any act or defect in the proceedings upon which such assessment, certificate, sale or bond is based, or because of any provision contained in the contract for doing such work not authorized by law, or because such contract was made by a foreign corporation without having first complied with the provisions of section 1770b of the statutes of 1898, as amended, the city authorities shall proceed to make a new assessment of benefits and damages in the manner required by law. At the time of making such new assessment, in case where the contract under which such work was done contained any provision not authorized by law, and which tended to increase the contract price for doing the work, said authorities shall deter-

mine the proportion of such contract price justly chargeable against the property in question for such work and assess the same against such property. In any case where a new assessment is made under this act, the owner of property affected thereby may appeal from such assessment and determination. The cost of such work done pursuant to and at the price fixed in such contract or the proportion thereof determined as aforesaid to be justly chargeable on account of such work, not exceeding the amount of the excess of benefits over damages as ascertained by such new assessment, is hereby made a lien upon such property, and a certificate to that effect shall be issued by the proper city authorities to the holder of the invalid special assessment certificate or tax sale certificate aforesaid upon surrender thereof or proof that it has been canceled, or where such special assessment certificate has not been issued or delivered then to the person, who would have been entitled to such special assessment certificate, if such *valid* assessment, contract or proceeding had been regular and valid, and the excess in the amount of such *invalid* certificate over such new certificate, if any, shall be paid to such holder, or person, out of the proper fund. And when under such original assessment special improvement bonds have been, or might be issued, and as soon as the amount chargeable to the property benefited is finally determined by such new assessment, notice shall be given as provided for in section 925—191 of the statutes of 1898, and when so given and thirty days have elapsed after the giving of such notice, the common council may issue new special improvement bonds in lieu of such original bonds, to the holder thereof upon surrender of the same, or where such original bonds have not been issued or delivered then to the person, who would have been entitled to such original bonds, if such invalid assessment, contract and proceeding had been regular and valid, for the amount of such new assessment remaining unpaid, such new bonds to bear interest at the same rate as the original bonds and to be redeemed, enforced and collected in the same manner as provided for in chapter 40a of the statutes of 1898, and the excess in the amount of such invalid special improvement bonds, if any, over such new bonds shall be paid to such holder or person out of the proper fund, and when new certificates are issued, the same shall be carried into the annual tax roll of city taxes levied against such property, collected as a tax and paid to the holder of such new certificate in the manner provided by law for the payment of special assessment certificates. In case of appeal from such new assessment or such

letermination, or both, the proceedings herein mentioned shall ake place as if no appeal had been taken; but if the appellant ucceed and the amount of such new assessment exceeds the mount finally adjudged on such appeal the city shall pay such xcess with interest thereon from * * * the time such new ond is issued. In all cases where the invalidity of any such pecial assessment, special assessment certificate, tax sale, tax ale certificate or special improvement bond is caused by reason of such work having been done without authority of law r by the failure of the common council to pass a valid ordinance adopting any part of chapter 40a of the statutes of 1898, r by reason of having omitted from such ordinance any part r parts of said chapter 40a, no new assessment of benefits and damages as hereinbefore provided for shall be had or made unless an ordinance shall have been first duly passed, adopting as a part of the city charter all the essential provisions of said chapter 40a, relating to city improvements, so as to be in force at the time of making such new assessment. After the passage of such ordinance, all proceedings taken for a new assessment of benefits and damages shall be as valid and effectual for all purposes as if taken before the doing of the work. No proceeding shall be had under the provisions of this section for the re-assessment of any tax or assessment after the expiration of three years from the time the original tax or assessment was set aside or declared void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 744, A.] [Published June 28, 1905.

CHAPTER 502.

AN ACT to amend section 4543c and to create a new section known as section 4543c—1 of the statutes of 1898 relating to accounts of expenditures by candidates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Accounts of expenditures by candidates. SECTION 1. Section 4543c of the statutes of 1898 is hereby amended so as to read as follows: Section 4543c.* *Every person who shall be a candidate before any convention or at any primary or election to fill an office for which a nomination paper or certificate of nomination may be filed, shall within thirty days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place, a statement in writing, subscribed and sworn to by such candidate, setting forth in detail each item in excess of five dollars in money or property contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any other person or persons for him or in his behalf, wholly or in part, in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other person at said election, the dates when, and the persons to whom, and the purpose for which all said sums were paid, expended or promised, and the total aggregate sum paid, expended or promised by such candidate in any sum or sums whatever. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it. An exact duplicate of such statement shall in like manner and within the same time be filed with the register of deeds for the county in which such candidate resides. Any person failing to comply with this section shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars.*

Blanks; publication; prosecution. SECTION 2. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows: Section 4543c—1. It is

*Entire section is rewritten.

ıereby made the duty of every officer empowered by law to issue ·ertificates of election, or with whom nomination papers for any ›rimary or election or certificates of nomination for any election ıre required to be filed, within five days after the holding of an ·lection to fill any office, to forward to all candidates for whom ıomination papers or certificates of nomination shall have been iled for such election, or the primary preceding the same, dupli-·ate blanks for making the statement required by the preceding ıection. Upon the expiration of sixty days from the time of hold-ng any election, each such officer shall make out a list of all can-lates who shall have failed to file with him the statement required ›y the preceding section, duplicates of which statement shall 'orthwith be transmitted by him to the district attorney and the ·ounty clerk of the county within which such candidate resides. Such county clerk shall at the expense of the county cause such ist to be published at least once in the official county paper, and ılso provide the blanks required by this section. The persons nentioned in section 4080 and the amendments thereto shall upon lemand administer any oath required by the preceding section ınd certify thereto without charge. Any person failing to com-›ly with this section shall be punished by a fine of not less than ·wenty-five dollars or more than five hundred dollars. It shall ›e the duty of the district attorney to examine all statements filed ınd institute prosecutions for the violation of this and the pre-·eding section.

SECTION 3. This act shall take effect and be in force from and ıfter January 1, 1906.

Approved June 20, 1905.

No. 446, A.] [Published June 28, 1905.

CHAPTER 503.

AN ACT to amend section 1967a of the statutes of 1898 relating to appointments by the commissioner of insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Deputy and other assistants. SECTION 1. Section 1967 of the Wisconsin statutes of 1898, is hereby amended to read as follows: Section 1967a. The commissioner of insurance may appoint a deputy who shall be known as deputy commissioner of insurance, and who shall take the constitutional oath of office and file it in the office of the secretary of state, and give such bond to the commissioner as he may prescribe; said commissioner shall be responsible for the acts and neglect of the deputy, who shall have the same power over all matters connected with the office of the commissioner of insurance as the commissioner has whenever detailed by him to do special acts or in case of the sickness or absence of the commissioner from the capitol. Said commissioner may also appoint a chief clerk, an * * * examiner, *license clerk,* filing clerk, *two stenographers,* messenger and mailing clerk and *one* general clerk. All such appointments shall be in writing and be filed in the office of the secretary of state.

SECTION 2. This act shall take effect and be in force from and after the first Monday in January, 1907.

Approved June 20, 1905.

o. 659, A.] [Published June 28, 1905.

CHAPTER 504.

N ACT to amend chapter 86 of the statutes of 1898 relating to trust companies.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock. SECTION 1. Section 1791d of the statutes of 898 is hereby amended so as to read as follows: Section 791d. Any number of persons, not less than five, may become ncorporated for the purpose of transacting business as a trust, nnuity, guaranty, safe deposit and security company upon omplying with the provisions of this chapter, and any comany so formed and its successors shall be entitled to the rights nd privileges and be subject to the duties and obligations erein prescribed. The capital stock of any such corporation hall be fixed and limited by the articles of association and nust be at least one hundred thousand dollars and not to exeed five million dollars, except that in cities of less than one undred thousand inhabitants, it shall not be less than fifty housand dollars. When fifty per centum of the capital stock fixed in the articles shall have been paid in in cash and an affidavit to that effect is duly made by the president or secretary and filed with the *commissioner of banking, said commissioner shall make or cause to be made an examination into the condition of such corporation. If upon such examination, it appear that such corporation is lawfully entitled to commence business, the commissioner of banking shall give to such corporation a certificate, under his hand and official seal, that such corporation is authorized to commence business and to continue such business for six months, following the date of such certificate of authority.* The balance of the capital stock shall be paid in at such times and in such amounts as the board of directors may determine, but the whole thereof shall be paid in within six months from the date of the commencement of business; and whenever such capital stock is fully paid and an affidavit to that effect is duly made by the president or secretary and filed with the *commissioner of banking, said commissioner shall again make or cause to be made an examination into the affairs of such corporation and, on satisfying himself that the capital fixed in the articles of association has been*

paid in in full and that such corporation has in all respects complied with the law creating it, said commissioner of banking shall give to such corporation a certificate, under his hand and official seal, authorizing such corporation to transact business as such trust, annuity, guaranty, safe deposit and security company. All of the general provisions of chapters 86 and 87 relating to corporations shall apply to corporations created under this section.

Deposit of securities. SECTION 2. Section 1791e of the statutes of 1898 is hereby amended so as to read as follows: Section 1791e. As soon as possible and not later than six months after any such company has commenced business, it shall deposit with the state treasurer not less than fifty percentum of the amount of its capital stock nor more than one hundred thousand dollars; such deposit to be in cash, bonds, or mortgages, or notes and mortgages on unincumbered real estate within this state worth double the amount secured thereby, or public stocks and bonds of the United States or of any state of the United States that has not defaulted on its principal or interest within ten years, or of any county, town, village or city in this state, and upon all which bonds and other securities there shall have been no default in the payment of interest or principal for a longer period than thirty days; which cash, bonds, mortgages, or notes and mortgages or public stocks or bonds shall be held by the state treasurer in trust as security for the depositors and creditors of said corporation and for the faithful execution of any trust which may be lawfully imposed upon and accepted by it; *provided, that the securities comprising such deposit shall first be submitted to the commissioner of banking for approval.* Such corporation may from time to time withdraw the said securities as well as the cash or any part thereof; provided, that securities or cash of the amount and value required by this section shall at all times during the existence of such corporation remain in the possession of the state treasurer for the purpose aforesaid; and until otherwise ordered by a court of competent jurisdiction, the said treasurer shall pay over to such corporation the interest, dividends or other income which he shall collect upon such securities or he may authorize the said corporation to collect the same for its own benefit. Upon such deposit being made, the state treasurer shall issue a certificate of such fact and an amount equal to the sum stated in such certificate shall remain with him in the manner provided above.

License fee. SECTION 3. Section 1791i of the statutes of 1898 is hereby amended so as to read as follows: Section 1791i.

Every such corporation shall, on or before the first day of March in each year, pay to the state treasurer as a license fee for transacting such business, the sum of *five* hundred dollars and in addition *three* per centum of its net income during the calendar year preceding. Such payment shall be in lieu of all taxes for any purpose authorized by the laws of this state except taxes on such real estate as may be owned by such corporation. * * * The provisions of section 1791d to 1791i inclusive shall attach, apply to and govern all corporations now existing and organized under chapter 158 of the laws of 1887, or the amendments thereof, except that any such corporation may continue to do business with the amount of capital provided in said chapter.

Reports; forfeitures; examinations; falsifying records; business, how done. SECTION 4. Chapter 86 of the statutes of 1898 is hereby amended by adding after section 1791i, five new sections to be severally known as sections 1791i—1, 1791i—2, 1791i—3, 1791i—4 and 1791i—5 and to read as follows: Section 1791i—1. Every corporation heretofore organized or which may be hereafter organized as such trust, annuity, guaranty, safe deposit and security company as provided in said sections 1791d, to 1791i inclusive, shall be and is hereby placed under the supervision of the state banking department, and shall make to the commissioner of banking, not less than three reports during each calendar year, at such time as the said commissioner may require the same, according to the forms which he shall prescribe and furnish. Such reports shall exhibit in detail the condition of such corporation and shall be signed and verified by the oath or affirmation of one of the officers of such corporation and attested by at least two of the directors, and shall be transmitted to the commissioner of banking within five days after the receipt of the request therefor from him. Such reports shall be published by and at the expense of such corporation in a newspaper of the city or town in which such corporation is located, in such condensed form as may be prescribed by the commissioner of banking, and within fifteen days after the receipt of the aforesaid request, proof of such publication shall be furnished to said commissioner. Every such corporation failing or refusing to make, publish or transmit to the commissioner of banking any of the reports or proofs of publication, as required by this act, shall be subject, at the discretion of the commissioner of banking, to a forfeiture of ten dollars for each day after the time required for making such reports. Whenever any such cor-

poration fails or refuses to pay the forfeiture herein imposed for a failure to make, publish or transmit such report or proof of publication, the commissioner of banking is hereby authorized to institute proceedings for the recovery of such forfeiture. Section 1791i—2. It shall be the duty of the commissioner of banking, and he shall have the power by himself, his deputy, or by any examiner he may appoint for that purpose, to examine at least once in each year, without previous notice, the cash, securities, books, papers and affairs of such corporation to ascertain its condition, its ability to fulfill its obligations, and whether it has complied with the provisions of law. For that purpose said commissioner, deputy or examiner shall have access to the vaults, books and papers of the corporation; and may examine on oath any of the officers, stockholders, agents, clerks, customers or depositors thereof, touching the affairs and business of such institution. If such corporation is connected with a national bank, such commissioner of banking may make such arrangements with the national bank examiner, if possible, that their examination shall be simultaneous. Whenever any such officer or officers in charge of such corporation shall refuse to submit the affairs and concerns of such corporation to the examination herein provided or refuse to be examined on oath touching the concerns of the corporation, the commissioner of banking may inform the attorney general, whose duty it shall be to institute proceedings for the appointment of a receiver of such corporation to wind up its business. Section 1791i—3. Every corporation doing business under this act as such trust, annuity, guaranty, safe deposit and security company shall be required to pay to the commissioner of banking, an annual examination fee which shall be for any such corporation having a capital of one hundred thousand dollars or less, twenty-five dollars; of more than one hundred thousand dollars and less than five hundred thousand dollars, fifty dollars; of five hundred thousand dollars or over, seventy-five dollars. Provided, that such fee shall be remitted by all such corporations directly to the commissioner of banking on or before the first day of June, 1906, and annually thereafter. If such fee be not paid upon demand therefor, when due, the commissioner of banking shall institute action in the name of the state against such delinquent corporation for the recovery of the amount thereof. All such fees shall be paid by the commissioner of banking into the state treasury to the credit of the general fund. Section 1791i—4. Any officer, director or employee of any such trust,

nuity, guaranty, safe deposit and security company who all wilfully and knowingly subscribe to or make, or cause to made, any false statement or false entry in the books of any ch corporation, or shall knowingly subscribe to or exhibit lse papers, with the intent to deceive any person or persons thorized to examine into the affairs of said corporation, or all knowingly make, state or publish any false report, return statement of any such corporation, shall be deemed guilty of felony, and upon conviction thereof, shall be punished by a ne of not less than one thousand dollars nor more than five ousand dollars, or by imprisonment in the state penitentiary ot less than one (1) year, nor more than ten (10) years, or y both such fine and imprisonment in the discretion of the urt. Section 1791i—5. Whenever the commissioner of anking shall become satisfied that the capital of any trust, nnuity, guaranty, safe deposit and security company is imaired or that such corporation has become insolvent, it shall e his duty and he shall have the power to proceed against ch corporation in like manner as provided in sections 7 and of chapter 1 of chapter 234, laws of 1903, in the case of banks hose capital shall have become impaired or which may have een found to be insolvent, as far as the above named sections and 8 may be applicable to such trust, annuity, guaranty, afe deposit and security company. No person, co-partnership r corporation engaged in business as a trust, annuity, guarnty, safe deposit or security company not subject to the superision and examination by the commissioner, or being not equired to make reports under the provisions of this act, shall ake use of any office sign at the place where such business is ransacted, having thereon any artificial or corporate name r other words indicating that such place or office is the place r office of a trust, annuity or guaranty company, nor shall uch person or persons make use of or circulate any letter eads, bill heads, blank notes, blank receipts, certificates, cirulars, or any written or printed paper whatever having hereon any artificial or corporate name or other word or words ndicating that such business is the business of a trust, annuty or guaranty company. It shall be unlawful for any person, o-partnership or corporation to use the words 'trust, annuity r guaranty company' in any manner above prohibited. Any erson or persons violating any of the provisions of this secion, either individually or as an interested party in any copartnershp or corporation, shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than

$300.00 nor more than $1,000.00, or by imprisonment in the county jail not less than sixty days nor more than one year, or by both such fine and imprisonment.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 641, A.] [Published June 28, 1905.

CHAPTER 505.

AN ACT to amend section 1778, statutes of 1898 as amended by section 1, chapter 319, laws of 1901, and chapter 304 of the laws of 1905, relating to telegraph, telephone and power transmission companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Telegraph, telephone and power companies; liability. SECTION 1. Section 1778 of the statutes of 1898, as amended by section 1 of chapter 319 of the laws of 1901 and chapter 304 of the laws of 1905 is hereby amended so as to read as follows: Section 1778. Any corporation formed under this chapter to build and operate telegraph or telephone lines or systems for the transmission of heat, power or electric light for public purposes, or to conduct the business of telegraphing, telephoning or transmitting heat, power or electric light for public purposes may, subject to all reasonable requirements and regulations made by any city or village through, across or adjoining which said line, lines or systems may be proposed to be constructed, construct and maintain any such lines or systems with all necessary appurtenances, from point to point, upon, in, along, across or beneath the surface of any public road, highway or bridge or any stream or body of water, or upon the land of any owner consenting thereto, and from time to time to extend the same at pleasure and for such purposes may also acquire lands, or any interests therein in the manner provided in this act; and may connect and operate its lines or systems with the lines or systems of any person or cor-

poration engaged in like business within or without this state, and charge reasonable rates for the transmission and delivery of messages or the furnishing of heat, power or electric light for public purposes. But no such telegraph or telephone line, or heating, power or electric line or system or any appurtenance thereto shall at any time obstruct or incommode the public use of any road, highway, bridge, stream or body of water. Whenever the use of any such line shall be abandoned or discontinued the proper corporation shall forthwith take down, dig up and remove all wires, posts, pipes, conduits or other articles; and on failure for three months after such abandonment or discontinuance so to do any person owning land near, over, through or upon which such line shall pass, may take down, dig up and remove the same, or any part thereof, for his own use. Any person, association or corporation owning or operating any telegraph, telephone or power transmission line or heat system for public purposes doing business in this state shall be liable for all damages occasioned by the failure or negligence of their operators, servants or employees in receiving, copying, transmitting or delivering dispatches, messages or the furnishing of power to its patrons for public purposes. Nothing contained in this act shall authorize or empower such telegraph, telephone, electric light, heat or power transmission company, or corporation, to in any manner destroy, trim or otherwise injure any shade or ornamental trees along any such lines or systems *or cause any damage to buildings, fences, crops, live stock or other property* except by the consent of the owner, *and any person or corporation violating any of the provisions of this section shall be liable to the person aggrieved in three times the actual damage sustained besides costs.* Providing, however, that no corporation to build and operate electric light system or systems for the transmission of steam or hot water for heat, shall have any right hereunder in any city or village until it has obtained a franchise from such city or village, as now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 389, A.] [Published July 1, 1905.

CHAPTER 506.

AN ACT to amend section 1770b of the statutes of 1898, as amended by section 27, chapter 351, laws of 1899; section 1, chapter 399, laws of 1901; and section 1, chapter 434, laws of 1901, and creating four new sections to the statutes of 1898 to be known as 1770f, 1770g, 1770h and 1770i, relating to foreign corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Filing articles; attorney; process; forfeitures; contracts. SECTION 1. Section 1770b of the statutes of 1898 as amended by section 27, chapter 351 of the laws of 1899, section 1, chapter 399 of the laws of 1901 and section 1, chapter 434 of the laws of 1901, is hereby amended so as to read as follows: Section 1770b.*

1. For the purposes of this section, the term "corporation" shall include all corporations, associations, companies, joint stock companies, or express companies organized otherwise than under the laws of this state.

2. No corporation, incorporated or organized otherwise than under the laws of this state, except railroad corporations, corporations, or associations created solely for religious or charitable purposes, insurance companies and fraternal or beneficiary corporations, societies, orders and associations furnishing life or casualty insurance or indemnity upon the mutual or assessment plan, shall transact business or acquire, hold or dispose of property in this state until such corporation shall have caused to be filed in the office of the secretary of state a copy of its charter, articles of association or incorporation and all amendments thereto duly certified by the secretary of state of the state wherein the corporation was organized. In case the laws of the state wherein the corporation was organized do not require that the charter, articles of association or incorporation be filed in the office of the secretary of state, then said charter, articles of association or incorporation shall be certified to by the register of deeds or other officer with

*Entire section is rewritten.

whom said articles of association or incorporation were filed, with a certificate of the secretary of state attached, certifying that said officer is the proper officer to certify to said articles of association or incorporation.

3. Such corporation, by its president, secretary, treasurer or general manager, shall make and forward to the secretary of state, with the articles of association or incorporation above provided for, a statement duly sworn to, stating:

a. The name of such corporation and the location of its principal office or place of business without this state, and, in case said corporation is to have any place of business or principal office within this state, the location thereof.

b. The names and addresses of the officers of said corporation, and the name and address of the agent or manager of said corporation who may represent said corporation in this state.

c. The amount of the capital stock paid in money, property or services.

d. The nature of the business to be transacted in this state.

e. The proportion of the capital stock of said corporation which is represented in this state by its property located or to be acquired therein and by its business to be transacted therein. In determining said proportion of the capital stock, the property of said corporation located in this state or to be acquired therein and the business transacted within and without the state for one year immediately preceding the filing of its charter or articles of association or incorporation shall be considered and control.

f. Shall constitute and appoint the secretary of state its true and lawful attorney upon whom the summons, notices, pleadings or process in any action or proceeding against it may be served in respect to any liability arising out of any business, contract or transaction in this state, and stipulate that service thereof upon the secretary of state, or his assistant, shall be accepted irrevocably as a valid service upon it, and that such appointment and stipulation shall continue in force irrevocably so long as any liability of such corporation remains outstanding in this state.

g. When such corporation was authorized to do business in the state wherein incorporated and whether now so authorized.

h. That such corporation as a condition of its being permitted to begin or continue doing business within this state, shall comply with all the laws of the state with regard to foreign corporations.

4. Such corporation shall pay into the office of the secretary of state, upon filing its articles of association or incorporation, a fee of twenty-five dollars, and one dollar for every one thousand dollars of its capital stock exceeding twenty-five thousand dollars employed or to be employed in this state, as shown by its sworn statement.

5. All amendments to the articles of association or incorporation made subsequent to the first filing with the secretary of state shall be certified to and filed in the same manner as the articles of association or incorporation, and shall be so filed within thirty days after the same have been filed with the secretary of state or other proper officer of the state wherein the corporation is organized. For filing such amendment the corporation shall pay to the secretary of state a fee of ten dollars except in case of amendment increasing capital stock, in which case the fee for filing shall be in addition to ten dollars, one dollar for each additional one thousand dollars of the increased capital stock to be used in this state, as shown by a sworn statement to be filed with the amendment increasing the capital stock, which said statement shall be signed by the president, secretary, treasurer or general manager of the corporation, and shall state the proportion of the increased capital stock to be employed in this state. In case of failure to file amendment, as above stated, the corporation shall pay to the secretary of state, on filing said amendment, a penalty of twenty-five dollars.

6. Whenever any change is made in the offices of such corporation, the names and addresses of the officers elected shall be filed with the secretary of state within twenty days after such change. The license of such corporation to do business in this state shall be revoked if it shall remove or make application to remove into any district or circuit court of the United States, any action or proceeding commenced against it by any citizen of Wisconsin upon any claim or cause of action arising within this state.

7. Every foreign corporation which has heretofore filed with the secretary of state a copy of its charter or articles of association or incorporation, or which shall hereafter file the same as required by this act, and every foreign corporation transacting business in this state shall, annually, during the month of January, file with the secretary of state a report sworn to by the president, secretary, treasurer or general manager of the corporation, as of the first day of January, which shall state:

*The name of such corporation and the location of its prin-
l office or place of business without this state, and its place
usiness or principal office within this state, if maintained.*

*The names and addresses of the officers of said corpora-
, and the name and address of the agent or manager who
represent said corporation in this state.*

*The nature of the business transacted in this state during
year preceding.*

*. The amount of capital stock paid in money, property or
ices.*

*The total amount of business transacted by said corpora-
during the preceding year, and the true value of all prop-
held by said corporation.*

*. The total amount of business transacted during the pre-
ing year in this state.*

*. The proportion of the capital stock represented in the
e of Wisconsin by its property located and business trans-
d therein during the preceding year. Said corporation
ll pay a fee of two dollars for filing such report. In case
l report shows that said corporation has increased the pro-
tion of its capital stock employed in this state, said corpora-
shall pay to the secretary of state, at the time of the filing
l report, an additional fee of one dollar for each one thou-
d dollars of its capital stock, in excess of twenty-five
usand dollars, or in excess of the proportion of the capital
k already paid for by said corporation.*

*. That such corporation as a condition of its being per-
ted to begin or continue doing business within this state,
ll comply with all the laws of the state with regard to for-
n corporations. In case of failure to file said report in the
e above stated, the corporation shall pay to the secretary of
te a penalty of twenty-five dollars if the same is filed before
ril first. In case said report is not filed by April first, or
said corporation shall remove or make application to remove
o any district or circuit court of the United States any ac-
n or proceeding commenced against it by any citizen of
sconsin upon any claim or cause of action arising within this
te, the license issued to said corporation shall be void, and
secretary of state shall enter such forfeit in the records in
department.*

*8. Actions may be brought against any corporation in the
me by which it is commonly known. All summons, notice,
ading or process shall be served on the secretary of state in
plicate, one copy to be filed by him in his office, and the sec-*

ond copy to be forwarded by mail forthwith postage prepaid, and directed to such corporation at its principal place of business in the United States, as shown by the last sworn statement on file in his department, and at the time of serving said papers a fee of two dollars shall be paid to the secretary of state, which said fee shall be taxed as taxable costs in the action.

9. In case any corporation shall not have any articles of incorporation, organization or association, it shall file in the office of the secretary of state the sworn statement above required of other corporations, and shall include in such statement a statement to the effect that such corporation has no articles of incorporation, organization or association. Such corporation shall file an annual report, as above required of other corporations, and shall pay the same fees and be subject to the same penalties as such corporations.

10. All foreign corporations and the officers and agents thereof doing business in this state, shall be subjected to all the liabilities and restrictions that are, or may be imposed upon corporations of like character, organized under the laws of this state, and shall have no other or greater powers.

Every contract made by or on behalf of any such foreign corporation, affecting the personal liability thereof or relating to property within this state, before it shall have complied with the provisions of this section, shall be wholly void on its behalf and on behalf of its assigns, but shall be enforceable against it or them.

11. The failure to comply with any of the provisions of this section shall, for such violation, subject the corporation or any agent, officer or person acting for it in this state, to a penalty of five hundred dollars, to be sued for and recovered in the name of the state with the costs of prosecution, by the attorney general or by the district attorney of any county in which it or any of its agents or officers shall be located, or reside, or transact or attempt to transact any business; and such penalty, when recovered, shall be paid into the treasury of the county for the benefit of the school fund. Such penalty shall not attach where a specific penalty is herein provided.

12. The provisions of subsections 3 and 4 relating to statement first to be filed and the fees first to be paid by a corporation of another state, shall not apply to any such corporation now actually doing business in this state under a license heretofore issued.

License, when revoked; illegal combinations; affidavit; actions to annul license. SECTION 2. There is hereby created and added to the statutes of 1898 three new sections to be known and to read as follows: Section 1770f. Whenever any foreign corporation doing business in this state shall remove or make application to remove into any district or circuit court of the United States any action or proceeding commenced against it by any citizen of this state, upon any claim or cause of action arising within this state, it shall be the duty of the secretary of state, upon such fact being made to appear to him, to revoke the license of such corporation to do business within this state.

Section 1770g. Any foreign corporation which shall enter into any combination, conspiracy, trust, pool, agreement or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this state, or constituting a subject of trade or commerce therein, or which shall in any manner control the price of any such article or commodity, fix the price thereof, limit or fix the amount or quantity thereof to be manufactured, mined, produced or sold in this state, or fix any standard or figure by which its price to the public shall be in any manner controlled or established, shall, upon proof thereof, in any court of competent jurisdiction, have its license or authority to do business in this state cancelled and annulled.

Section 1770h. No foreign corporation shall be authorized to file its charter or articles of incorporation or assocation with the secretary of state or be authorized to do business in this state unless it shall at the time of making application therefor, file with the secretary of state an affidavit executed by its president, secretary or general managing officer stating that such corporation has not violated any of the provisions of section 1770g; and every such corporation shall upon filing its annual statement with the secretary of state, make and attach thereto the affidavit of its president, secretary or general managing officer, fully stating the facts in regard to the matters specified in section 1770g.

Section 1770i. Upon complaint being made to the attorney general and evidence produced to him which shall satisfy him that any such foreign corporation has violated any of the conditions specified in sections 1770f and 1770g, he shall forthwith bring an action in the name of the state in any circuit court of this state to have the license of such corporation to do business in this state, cancelled and annulled and upon due proof being

made thereof to the satisfaction of the court, judgment shall be entered therefor. The provisions of section 1791m shall extend to all proceedings under this and the two foregoing sections.

SECTION 3. This act shall take effect and be in force from and after October first, 1905.

Approved June 20, 1905.

No. 388, A.] [Published June 28, 1905.

CHAPTER 507.

AN ACT to amend sections 1772, 1773, 1774 and 1789 of the statutes of 1898, as amended by chapter 238 of the laws of 1901, and creating sections 1774a, 1791j and 1791l, relating to the organization of domestic corporations and the filing of an annual report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporation name. SECTION 1. Subdivision 2 of section 1772 of the statutes of 1898 is hereby amended so as to read as follows: 2. The name * * * of such corporation: But such name shall not contain the names of individuals in the manner in which they are ordinarily used in partnership or business names, *and shall be such as to distinguish it from any other corporation organized under the laws of this state. In case of the reorganization of a corporation the name of the old corporation may be used.* No corporate name shall be held illegal because of the omission of the word "limited." *The location of such corporation in some city, village or town in the state.*

Articles, how filed; certificate; fees. SECTION 2. Subdivision seven of section 1772 of the statutes of 1898, as amended by chapter 238 of the laws of 1901, is hereby amended so as to read as follows: "7. Such other provisions or articles, if any not inconsistent with law, as they may deem proper to be therein inserted for the interests of such corporation or the accomplishment

he purposes thereof, including, if desired, the duration of its tence. In case the corporation is formed without capital k the articles shall fix the time and place for the first meeting the election of officers, and the signers of such articles shall e notice thereof to the members in the manner provided in the t section. Such original articles or a true copy thereof, veri- as such by the affidavits of two of the signers thereof, shall iled with the secretary of state. A like verified copy and cer- ate of the secretary of state, showing the date when such arti- were filed and accepted by the secretary of state, within ty days of such filing and acceptance, shall be recorded by the ister of deeds of the county in which such corporation is lo- ed, and no corporation shall, until such articles be left for ord, have legal existence. *The register of deeds shall forth- h transmit to the secretary of state a certificate stating the e when such copy was recorded and shall be entitled to a fee wenty-five cents therefor to be paid by the person presenting h papers for record. Upon the receipt of such certificate the retary of state shall issue a certificate of incorporation.* For ng the articles of incorporation of corporations for the man- cture of beet sugar, or of butter, cheeese or other dairy prod- s, there shall be paid the secretary of state ten dollars, and filing an amendment to such articles, five dollars; for filing his office the articles of any other corporation, except as is erwise * * * provided in these statutes, the corporation ll pay twenty-five dollars if the capital stock of the corpora- n is fixed therein at twenty-five thousand dollars or less, and dollar for each additional one thousand dollars of capital ck; and every other corporation organized and doing business der the laws of this state * * * shall pay * * * a of ten dollars for filing any amendment to its articles other n for the purpose of increasing its capital stock; *and for filing amendment increasing its capital stock shall pay, in addition said fee of ten dollars, one dollar for each one thousand dol- s of increase;* provided that no fee shall be required from any poration organized without capital stock or organized ex- sively for educational, benevolent, charitable or reformatory rposes, the articles of which provide that no dividend or pe- niary profits shall be declared to the members thereof." "Pro- led further that all corporations, organized exclusively for the rpose of mining, smelting and owning mines and minerals in e state of Wisconsin, shall pay for filing its articles of incor- ration, to the secretary of state, the sum of twenty-five dollars the capital stock is fixed at twenty-five thousand dollars or less,

and one dollar for each additional one thousand dollars of its capital stock up to one hundred and fifty thousand dollars of capital stock; and on all such corporations with a capital stock in excess of one hundred and fifty thousand dollars a fee of one hundred and fifty dollars only shall be paid to the secretary of state upon filing its articles."

Temporary control; first meeting; liability of promoters. SECTION 3. Section 1773 of the statutes of 1898 is hereby amended so as to read as follows: Section 1773. Until the directors or trustees shall be elected the signers of the articles of organization shall have direction of the affairs of the corporation and make such rules as may be necessary for perfecting its organization, accepting members or regulating the subscription of the capital stock. In stock corporations the first meeting may be held at any time after one-half the capital stock shall have been subscribed; and may be called by any two signers of the articles, at such time and place as they shall appoint, by giving ten days' personal notice thereof in writing to each subscriber of stock or by publishing notice thereof for at least two weeks before such meeting in some newspaper published at or nearest to the designated place of location of the corporation; or such meeting may be held without previous notice if all the subscribers for stock be present in person or by duly authorized attorney. No such corporation shall transact business with any others than its members until at least one-half of its capital stock shall have been duly subscribed and at least twenty per centum thereof actually paid in; and if any obligation shall be contracted in violation hereof, the corporation offending shall have no right of action thereon; but the signer or signers of the articles and the subscriber or subscribers for stock transacting such business or authorizing the same, or having knowledge thereof, consenting to the incurring of any debt or liability, as well as the stockholders then existing, shall be personally liable upon the same. The signers of the articles of organization may abandon the organization and revoke the articles at any time before fifty per centum of the stock has been subscribed and twenty per centum thereof paid in by signing and acknowledging *duplicate* written agreements revoking the original articles of organization and *forwarding same to the secretary of state, one agreement to be filed by him and the other agreement to be returned with certificate of the secretary of state attached showing the date when such agreement was filed and accepted by the secretary of state, to be recorded by the register of deeds of the county in which such cor-*

oration is located; and the register of deeds shall note on the margin of the record of the articles of incorporation, the volume nd page where such agreement is recorded. The register of eeds shall forthwith transmit to the secretary of state a certificate stating the time when such agreement was recorded and hall be entitled to a fee of twenty-five cents threfor to be paid y the person presenting such agreement for record, provided, hat the abandonment of the organization or the revocation of rticles in pursuance hereof shall not relieve such corporation or ny signer or subscriber for stock or any stockholder then existng from any liability hereby created.

Articles, how amended; amendments to be recorded; notice f change of name. SECTION 4. Section 1774 of the statutes f 1898, as amended by section two of chapter 238 of the laws f 1901, is hereby amended so as to read as follows: Section 1774. Any corporation organized under this chapter, may at ny meeting of its members by a vote of at least the owners of twohirds of all the stock then outstanding, in case of stock corporahons, or at least one-half of the members of the corporation withut stock, unless a greater vote shall be required in its articles, mend its articles of organization so as to modify or enlarge its usiness or purposes, change its name or location, increase or liminish its capital stock, change its officers or its directors or provide anything which might have been originally provided in such articles; but no corporation without stock shall change substantially the original purposes of its organization. Such amendments shall be adopted only in accordance with the rticles of organization, if a mode of amending the same shall have been therein prescribed. When adopted, *duplicate copies* of such amendment, with a certificate thereto affixed, signed by the president and secretary, or if none, the correspondent officers, and sealed with the corporate seal, if there be any, stating the fact and date of adoption of such amendment, *and, if a stock corporation, the total number of shares voting in favor of such amendment, and if a corporation organized without capital stock, the total number of members and the total vote in favor of such amendment,* and that such copy is a true copy of the original, shall be *forwarded to the secretary of state, one copy to be filed by him, and the other copy to be returned with certificate of the secretary of state attached, showing the date when such amendment was filed and accepted by the secretary of state, which said copy shall be recorded by the register of deeds of the county in which such corporation is located, within thirty*

days after filing with the secretary of state, and in case of failure so to do, such officers shall forfeit twenty-five dollars, and the register of deeds shall note on the margin of the record of the original articles, the volume and page where such amendment is recorded, and no amendment shall be of effect until so recorded, and such amendment shall be void until so filed and recorded. *The register of deeds shall forthwith transmit to the secretary of state a certificate stating the time when such amendment was recorded and shall be entitled to a fee of twenty-five cents therefor, to be paid by the person presenting such amendment for record. Upon receipt of such certificate the secretary of state shall issue a certificate of amendment.* Whenever the corporated name shall be changed the secretary shall publish a notice thereof in a newspaper published at or nearest to the place of location of such corporation for three weeks, and if he shall fail for two months so to do shall forfeit twenty-five dollars. No change of location of any such corporation, if beyond the limits of the county, shall be valid until the articles of organization and all amendments shall have been recorded in the office of the register of deeds of the county to which the same shall be changed.

Annual reports, what to contain. SECTION 5. A new section is hereby created and added to the statutes of 1898 to be known and to read as follows: Section 1774a. Every corporation for profit, organized under the provisions of this chapter, shall annually, during the month of January, file with the secretary of state, a report sworn to by the president, secretary, treasurer or general manager, or if the corporation is in the hands of assignee or receiver, by such assignee or receiver, as of the first day of January preceding, which shall state:

1. The name of such corporation and location, giving street and number.

2. The name and address of the officers and directors of such corporation, giving street and number.

3. The amount of authorized capital stock.

4. The amount of capital stock actually paid in money, property and services.

5. Whether such corporation was engaged in active business during preceding year.

6. Nature of business transacted during preceding year.

7. In what states such corporation is licensed to transact business as a foreign corporation.

In case such corporation fails to file its report, as above set forth, it shall be allowed to file such report prior to June first

on payment to the secretary of state of a forfeit of ten dollars. In case said report is not filed June first, the secretary of state shall cause to be published once a week for three successive weeks a notice of such failure, in a newspaper published at or near the location of said corporation, as shown by the records of his department; and the register of deeds of each county shall post in his office a list of the corporations located in such county failing to so report. Such corporation shall be allowed to file its said annual report prior to January first on payment of the forfeit, as above set forth, and on payment of the costs of publication. In case said report is not filed by said January first, the corporate rights and privileges granted to such corporation shall be forfeited and the secretary of state shall enter such forfeiture on the records of his department.

The cost of publishing the notice above set forth shall be paid out of the state treasury, and shall be at the same rate as legal notices.

The secretary of state shall during the month of December of each year forward to every corporation required to make an annual report under the provisions of this chapter, blanks therefor.

Whenever any change is made in the officers of such corporation, the names and addresses of the officers elected shall be filed with the secretary of state within twenty days after such change. No forfeiture shall be declared under this section prior to the first day of March, 1907.

Dissolution; surrender; expiration of time. SECTION 6. Section 1789 of the statutes of 1898 is hereby amended so as to read as follows: Section 1789. Any corporation organized under any law may, when no other mode is specially provided, dissolve by the adoption of a written resolution to that effect, at a meeting of its members specially called for that purpose, by a vote of the owners of at least two-thirds of the stock in the case of stock corporations and of one-half the members in other corporations; but when a mode or process of dissolution shall have been provided in the articles of organization, it shall be conducted accordingly. *Duplicate copies* of such resolution, with a certificate thereto affixed, signed by the president and secretary, or, if none, the correspondent officers, and sealed with the corporate seal, if there be any, stating the fact and date of the adoption of such resolution; that such is a true copy of the original, the whole number of shares of stock, and of members of such corporation, and the number of members who, or of the

shares of stock whose owners, voted for its adoption, shall be *forwarded to the secretary of state, one copy to be filed by the secretary of state and the other copy to be returned with certificate of the secretary of state attached, showing the date when such copy was filed and accepted by the secretary of state, which said copy shall be recorded by the register of deeds of the county in which such corporation is located within thirty days after filing with the secretary of state, and* thereupon such corporation shall cease to exist except for the winding up of its affairs. *And the register of deeds shall note on the margin of the record of the articles of incorporation, the volume and page where such resolution is recorded. The register of deeds shall forthwith transmit to the secretary of state a certificate stating the time when such resolution was recorded and shall be entitled to a fee of twenty-five cents therefor, to be paid by the person presenting such resolution for record.* Whenever the articles of organization shall provide a term to the duration of a corporation it shall cease to exist at the time so fixed except as aforesaid.

Trusts, pools, and conspiracies forbidden; prices; affidavit. SECTION 7. Section 1791j of the statutes of 1898 is hereby amended so as to read as follows: Section 1791j.* *Any corporation organized under the laws of this state which shall enter into any combination, conspiracy, trust, pool, agreement or contract intended to restrain or prevent competition in the supply or price of any article or commodity in general use in this state, or constituting a subject of trade or commerce therein, or which shall in any manner control the price of any such article or commodity, fix the price thereof, limit or fix the amount or quantity thereof to be manufactured, mined, produced or sold in this state, or fix any standard or figure by which its price to the public shall be in any manner controlled or established, shall, upon proof thereof, in any court of competent jurisdiction, have its charter or authority to do business in this state cancelled and annulled. Every such corporation shall upon filing its annual statement with the secretary of state, make and attach thereto the affidavit of its president, secretary or general managing officer, fully stating the facts in regard to the matters specified in this section.*

Ouster. SECTION 8. Section 17911 of the statutes of 1898 is hereby amended so as to read as follows: Section 17911.* *Upon complaint being made to the attorney general and evidence pro-*

*Entire section is rewritten.

ıced to him which shall satisfy him that any such corporation ıs violated any of the conditions specified in sections 1791j ıd 1791k, he shall forthwith bring an action in the name of the ate in any circuit court of this state to have the charter of such ırporation forfeited, cancelled and annulled, and upon due roof being made thereof to the satisfaction of the court, judg- ıent shall be entered therefor.

SECTION 9. This act shall take effect and be in force from nd after October first, 1905.

Approved June 20, 1905.

[o. 468, S.] [Published June 29, 1905.

CHAPTER 508.

ıN ACT to amend chapter 417 of the laws of 1903 entitled "An act relating to the assessment of personal property in certain cases and amendatory of sections 1040 and 1044 of the statutes of 1898."

'he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessments, how made; liability and rights of representa-ive. SECTION 1. The 3rd paragraph of section 2 of chapter 17 of the laws of 1903, and therein designated as section 1044a, ı hereby amended so as to read as follows: Section 1044a. Vhen personal property shall be assessed to *some* person in harge or possession thereof *other than the owner or person bene-icially entitled thereto as hereinbefore provided*, the assessment hereof shall be entered upon the *assessment* roll separately from he same person's assessment of his own *personal* property, add-ng to his name upon such roll words briefly *indicating that such ıssessment is made to him as the person in charge or possession 'hereof as occupant or possessor of the premises on which such roperty is stored or piled or as the husband, agent, lessee, occu-pant, mortgagee, pledgee, executor, administrator, trustee, as-*

signee, receiver or other representative of the owner or person beneficially entitled thereto; but a failure to enter such assessment separately or to *indicate the* representative capacity or *other relationship of the person assessed* shall not affect the validity of the assessment. The person so assessed shall be personally liable for the tax thereon. He shall have a personal right of action against the owner or person beneficially entitled to such property for the amount of such taxes and shall have a lien therefor upon such property with the rights and remedies for the preservation and enforcement of such lien provided in sections 3346 and 3347, * * * *and shall be entitled to retain possession of such property until the owner or person beneficially entitled thereto shall have paid the tax thereon or shall have reimbursed the person assessed for such tax if paid by him. Such lien and right of possession shall relate back and exist from the time as of which such assessment is made, but may be released and discharged by giving to the person assessed such undertaking or other indemnity as he may accept or by giving to him a bond in such amount and with such sureties as shall be directed and approved by the county judge of the county in which such property is assessed, upon eight days' notice to the person assessed, which bond shall be conditioned to hold and keep the person against whom such assessment is made free and harmless from any and all costs, expense, liability or damage by reason of such assessment.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication and shall apply to assessments made in the year 1905.

Approved June 20, 1905.

No. 457, S.] [Published June 29, 1905.

CHAPTER 509.

AN ACT to amend sections 5 and 6 of chapter 338, laws of 1903, relating to county training schools for teachers, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State aid for, how secured. SECTION 1. Section 5 of chapter 338 of the laws of 1903 is hereby amended by striking out the word "eight" in the tenth line of said section and substituting therefor the word: twelve, so it shall read, when amended, as follows: Section 5. Any school established under the provisions of this act, whose courses of study and the qualifications of whose teachers have been approved by the state superintendent, may, upon application, be placed upon an approved list of county training schools for teachers. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent: provided, that he shall not place upon said list more than *twelve* schools. On the first day of July in each year the secretary of each county training school board maintaining a school on the approved list, shall report to the state superintendent setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than ten months during the year closing on the thirteenth day of the preceding June, the said superintndnt shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, a sum equal to *two-thirds* the amount actually expended for maintaining such school during the year, provided, that the total amount so apportioned shall not exceed *thirty-five* hundred dollars in any one school year.

Certificates to graduates; effect of. SECTION 2. Section 6 of the above entitled act is hereby amended to read as follows: Section 6. Any person who shall complete in a satisfactory manner the course of study prescribed for any county training school, and who shall be of good moral character, shall receive a certificate signed by the principal of the school and by the members of the county training school board. Said certificate shall certify that the person named *herein* has satisfactorily completed the course of study prescribed for the county training school, and is of good moral character; it shall also contain a list of the standings secured by the person on the completion of each of the studies pursued in the school. Such certificates shall have the force and effect of a third grade certificate issued by the county superintendent of the county or district in which the school is located, for the term of three years from the date of its issue, *provided that in case the holder thereof has never taught, or can not furnish satisfactory evidence of having successfully taught for at least one school year (seven months) in the public schools of this state, said certificate shall be of full force and effect for one year only from its date of issue. When satisfactory evidence of successful teaching for at least one year (seven months) upon said training school certificate shall be furnished to the county or district superintendent, said superintendent shall remove the limitation, whereupon the training school certificate shall have the full force and effect of a third grade teachers' certificate for two additional years.* Any school superintendent or officer authorized to grant certificates to teachers in Wisconsin schools is hereby authorized, in his discretion, to accept standings obtained by the completion of studies in any county training school in the state, when duly certified by the principal of said school, in lieu of actual examination by said superintendent or examiner at any time within three years from the date of the certificate of completion of the course by the person desiring to have such standings accepted. This provision shall apply to certificates of third and second grades.

Conflicting laws repealed. SECTION 3. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 361, S.] [Published June 29, 1905.

CHAPTER 510.

AN ACT to amend section 1966—49 statutes of 1898, relating to the license fee of casualty and suretyship insurance companies and to repeal chapters 130 and 413, laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

License fee. SECTION 1. Section 1966—49, statutes of 1898, is amended to read as follows: Section 1966—49. Every corporation transacting in this state the business of casualty or suretyship insurance, shall, on or before the first day of March in each year, pay to the commissioner of insurance as a license fee for transacting such business, two per cent on *all premium receipts received during the preceding year,* as shown by its reports made pursuant to law, *on all policies or contracts which have been written in or on the lives of residents or property of this state.*

Conflicting laws repealed. SECTION 2. Chapters 130 and 413, laws of 1903, and all acts and parts of acts conflicting herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 196, S.] [Published June 29, 1905.

CHAPTER 511.

AN ACT to amend section 2039 of the statutes of 1898, relating to suspension of powers of alienation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limit of suspension; exceptions. SECTION 1. Section 2039 of the statutes of 1898 is hereby amended so as to read as follows:

Section 2039. The absolute power of alienation shall not be suspended by any limitation or condition whatever for a longer period than during the continuance of two lives in being at the creation of the estate and twenty-one years thereafter, except in the single case mentioned in the next section, and except when real estate is given, granted or devised *to a charitable use or* to literary or charitable corporations which shall have been organized under the laws of this state, for their sole use and benefit, or to any cemetery corporation, society or association.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 68, S.] [Published June 29, 1905.

CHAPTER 512.

AN ACT to appropriate the sums of money herein named to the Wisconsin Industrial School for Girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations. SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated to the Wisconsin Industrial School for Girls, the following sums

of money: For insurance by the state, repair of buildings and care of property belonging to the state of Wisconsin, and occupied by said school at North Point, in the city of Milwaukee, county of Milwaukee, state of Wisconsin, during the ensuing two years, namely 1905 and 1906, the sum of ten thousand dollars; for remodeling, refurnishing, repairing and renovating the buildings upon the land belonging to the state of Wisconsin and occupied by the said Wisconsin Industrial School for Girls, at North Point aforesaid, specifically as follows, to-wit:

First: For the "Lynde Cottage Building," four thousand and twenty-eight dollars;

Second: The "Main Annex building," eighteen hundred and nine dollars;

Third: The "Russell Cottage building," three hundred dollars;

Fourth: For necessary industrial appliances and work in said school, two thousand dollars;

Fifth: For constructing and building sidewalks in front of said buidlings, the sum of one thousand dollars; provided, however, that no plan or plans shall be adopted and no contract or contracts shall be entered into by the Wisconsin Industrial School for Girls for the remodeling, refurnishing, repairing and renovating of said buildings, or other re-structure or structure of said building, furnishings therefor, or thing specified in this act until such plans and contracts with estimates of the total cost thereof shall first have been submitted to and in writing approved by the governor of the state who shall withhold such approval until he shall satisfy himself by a personal examination of the same or by such other means as he in his discretion may adopt, and that any such building, structure, re-structure or re-building said buildings, or thing can and will be re-erected and fully completed according to such plans or contracts for the sum of money not exceeding the amount hereby appropriated for such particular purpose.

Accounting. SECTION 2. A correct account shall be kept by the managers of said school of the expenditures of said sums hereby appropriated, and the same shall be reported to the governor and legislature in the next annual or biennial reports of said school.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 344, S.] [Published June 29, 1905.

CHAPTER 513.

AN ACT to amend section 1174 of the statutes of 1898, relating to compensation of printer for publishing notice of expiration of redemption of lands sold for non-payment of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation of printer. SECTION 1. Section 1174 of the statutes of 1898 is hereby amended so as to read as follows: Section 1174. The printer who shall publish the list and notice of the time when the redemption of lands sold for the non-payment of taxes will expire shall receive, *for all the insertions, not to exceed thirty cents for each lot or tract of land in such list not exceeding one thousand, and twenty cents for each lot or tract of land in such list exceeding one thousand,* except that when the same is published under contract, as provided by law, he shall receive the compensation fixed by such contract and no more. The compensation paid for such publication shall, in all cases, be apportioned equally upon the several parcels of land advertised; and when such list and notice shall also be published in a newspaper published in any other than the English language in pursuance of an order made by the county board in accordance with the provisions of section 675, the compensation paid for such publication shall also be apportioned * * * upon the several *tracts* of land advertised.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 267, S.] [Published June 29, 1905.

CHAPTER 514.

AN ACT relating to the close season for fur bearing animals, and amending section 4565 of the statutes of 1898, as amended by section 11, chapter 358, laws of 1901, and section 11, chapter 437, laws of 1903.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fur bearing animals, closed season for hunting. SECTION 1. Section 4565c of the statutes of 1898, as amended by section 11, chapter 358, laws of 1901, and section 11, chapter 437, laws of 1903, is hereby amended so as to read as follows: Section 4565c. It shall be unlawful * * * to take, catch, kill, hunt or pursue and rabbit, *grey fox* or *black* squirrel, between the first day of March and the first day of September next succeeding; or to take, catch, kill, trap, hunt or pursue any beaver at any time; or * * * any fisher, marten * * * or mink between the first day of *March* and the *first day of November next succeeding; or any otter between the fifteenth day of February and the first day of November next succeeding; or any muskrat between the first day of May and the first day of November next succeeding;* or to destroy or molest any muskrat house at any time, *or to take, catch, kill, hunt or pursue any muskrat by the means of a spear or gun.*

All guns, traps, boats or other implements used in violating any provisions of this section, and all game taken in violation thereof may be seized, confiscated and sold by any warden as provided by law. Provided, however, that nothing contained in this section shall be construed so as to prohibit the owner or occupant of any land from hunting and killing rabbits * * * thereon at any time without a license. * * *

Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty dollars nor more than fifty dollars *and the costs of prosecution* or by imprisonment in the county jail not less than twenty days nor more than sixty days *or by both such fine and imprisonment* in the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 761, A.] [Published June 29, 1905.

CHAPTER 515.

AN ACT to create section 111a of the statutes of 1898, and repealing chapter 438 of the laws of 1901 and chapter 4 of the laws of 1905, relating to employes of the legislature, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legislative appointees; salaries; distribution of bills, etc. SECTION 1. There is hereby created and added to the statutes of 1898 a new section to be known and to read as follows:

Section 111a. The chief clerks of the senate and assembly, respectively, elected at the beginning of every regular session of the legislature, shall perform such duties as are now by law and custom devolved upon those officers, including direct supervision by each of all of the clerical work for the house of which he is the chief clerk. The compensation of each shall be eight hundred dollars for the full term of a regular session, and, in case of service at an extra or special session, ten dollars a day for such service, and for service at the opening of a regular session, fifty dollars.

The sergeant-at-arms of the senate and assembly, elected at the beginning of every regular session of the legislature, shall perform such duties as are now by law and custom devolved upon those officers, including direct supervision by each of the work of the assistants, postmaster, document room attendants, janitors and messengers of the house of which he is sergeant-at-arms. His compensation shall be six hundred dollars for the full term of a regular session, and in case of service at an extra or special session, seven dollars a day for such service.

"The number, duties and compensation of the subordinate clerks of the senate shall be as follows:

One journal clerk, five dollars a day.

One assistant journal clerk, five dollars a day.

One book-keeper, five dollars a day.

One index clerk, who shall be an expert in card indexing, who shall prepare the indices, five dollars a day.

One clerk of the committee on engrossed bills, who shall be

expert stenographer and typewriter, to have charge of the en-
ossing room, five dollars a day.
One clerk for the joint committee on claims, who shall be a
enographer and typewriter and have a general knowledge of
counts, five dollars a day.
Eight clerks, who shall each be expert in stenography and
pewriting, to perform general clerical duties for members and
mmittees, each five dollars a day.
Four clerks who shall be expert in the use of the typewriter,
engross bills, each four dollars a day.
After thirty days from the beginning of the session, two clerks
no shall be expert in typewriting, to engross bills, each three
llars a day.
The number, duties and compensation of the subordinate
erks of the assembly shall be as follows:
The same as above provided for the senate excepting one clerk
r the joint committee on enrolled bills in lieu of the clerk
r the joint committee on claims, who shall be an expert proof
ader, five dollars a day.
Also one general clerk to assist the book-keeper, four dollars
day.
One second general clerk, four dollars a day.
Three clerks who shall each be expert in stenography and
pewriting, to engross bills and perform general clerical work
r members and committees, four dollars a day.
In the absence of the chief clerk one of the clerks of the body
pointed by him in writing, shall perform his duties.
Only males shall be employed. Each clerk required to do
pewriting shall furnish his own typewriter. Such clerk shall
chosen from the eligible list furnished by the civil service
mmissioners in such manner as the rules of the senate and
sembly may provide. The chief clerks of the senate and of
e assembly respectively shall have the general direction and
ntrol of the work to be performed by all such clerks and may
sign to them such other duties as may be necessary, and shall
ake such assignments and impose such duties upon the clerks
may be prescribed by the rules.
The employes of each house shall be as herein provided, but
ther house in the manner prescribed by the rules may at any
me reduce the number of any of such employes."
"The number, duties and compensation of the subordinates
f the sergeant-at-arms of the senate shall be as follows:
One assistant sergeant-at-arms, five dollars a day.
One postmaster, four dollars a day.

One custodian of the document room, who shall perform such duties as may be required by the rules of the body, and attend to the mailing required by law, four dollars a day.

One policeman, three dollars a day.

One night-watchman, three dollars a day.

One night-laborer, three dollars a day.

Eight messengers, each two dollars a day.

The number, duties and compensation of the subordinates of the sergeant-at-arms of the assembly shall be as follows:

The same as above provided for the senate, and in addition thereto:

One assistant document room attendant, three dollars a day.

One post office messenger, who shall carry and deliver the mail for both houses, three dollars a day.

Four messengers, each of whom shall be paid two dollars a day."

"Provided, that whenever the rules of either house shall prescribe a different method of appointing the subordinates of the sergeant-at-arms of either house, such subordinates shall be appointed in the manner prescribed by the rules.

The subordinates of the clerk and the sergeant-at-arms shall perform such other duties as the rules may require, and their number may be reduced from time to time pursuant to the provisions of the rules.

For the convenience and the expeditious transaction of the business of the legislature, the chief clerk of either house may, from time to time, make such temporary changes in the assignments of his respective assistants and subordinates as will in his judgment best accomplish these objects; and for like reason and purpose the sergeant-at-arms of either house may make temporary changes in the regular assignments of his assistants and subordinates, and may assign messengers for service in committee rooms. The chief clerks of the senate and assembly shall send to each county clerk and to each normal school, college and public library in this state as soon as printed, copies of all bills, resolutions, joint resolutions and memorials introduced into the senate and assembly and the senate and assembly journals and the enrolled bills, together with proper appliances for filing the same. Each county clerk shall keep the same on file in his office open to public examination and inspection. No employees for the legislature other than those provided for by this act shall be paid except by an act of the legislature, and payment of the salaries and per diem provided for in this act shall be made on the warrants of the secretary of state as now provided by law for

ıch services. The typewriters employed under this act shall ırnish their typewriting machines without cost to the state.

Appropriation. SECTION 2. There is hereby appropriated sufficient sum to carry out the purposes of this act.

Conflicting laws repealed. SECTION 3. All acts and parts f acts conflicting with the preceding sections, including chapers 3 and 438 of the laws of 1901, chapter 4 of the laws of 1903 nd chapter 4 of the laws of 1905, are hereby repealed.

SECTION 4. This act shall take effect and be in force from nd after its passage and publication.

Approved June 21, 1905.

No. 519, S.] [Published June 29, 1905.

CHAPTER 516.

AN ACT relating to chapter 399, laws of 1903, and providing for more fully carrying out the purposes thereof, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission created. SECTION 1. The commission created y chapter 399, laws of Wisconsin for 1903, upon the membership thereof being reduced by vacancies to five members, shall hereafter consist of that number, the discretion of the governor s to the appointments thereto not being restricted by anything contained in such chapter.

Vacancies; appointments. SECTION 2. Members of the commission may resign in writing to the governor and upon a vacancy so, or otherwise occurring, the same shall be filled as in he first instance, subject to the foregoing section.

Plan. SECTION 3. The commission, after a new competition, shall adopt one of the plans received therein or in any

further competition which may be ordered for a state capitol to be erected, section by section, as the needs of the state may require, the design to utilize so far as practicable in the judgment of the commission, the present structure, and to permit of harmonious additions to the building, from time to time, as there shall be need for more room, the old dome structure to be preserved till otherwise ordered by the legislature, but the design to contemplate a new dome structure in harmony with the capitol of the future, to be erected when ordered by legislative act.

Appropriation. SECTION 4. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated from money in the treasury available therefor for such expenses as may be incurred in executing section 3, the same to be disbursed in the manner provided in said chapter 399.

Area. SECTION 5. The plan adopted under this act shall not contemplate a structure, when fully completed, covering more than 75,000 square feet over all outside of the sections bearing the dome, nor containing more than 6,000,000 cubic feet outside of said section; nor costing more than 40 cents per cubic foot. The section bearing the dome shall not cover more than 20,000 square feet.

Plans and elevations. SECTION 6. Outline plans and elevations for all extensions of or additions to the building, which the commission may deem practicable, and also perspectives of the building as it will appear when so extended or added to, shall be procured and preserved as part of the records of the commission for future use.

Architect; west wing; space included. SECTION 7. The commission is empowered to employ an architect upon such terms as shall seem reasonable and usual in its judgment, for the execution and supervision of any portion of the work herein provided for, and to cause the same to be carried out without further legislative direction, to the extent of one section on the westerly side of the present building with a cubical space of not to exceed two million feet, and a second section as well, provided the two shall not include a cubical foot space of more than three million three hundred thousand.

Preservation of building; appropriation. SECTION 8. The commission shall determine what work shall be done with respect to the preservation of the present building during the

period of the new construction and so as to render such building as useful during such period, and as available in connection with the new building, as practicable, and shall contract for and supervise the doing of such work and be empowered to expend for that purpose not exceeding fifty thousand dollars, out of any money mentioned in the next section of this act.

Appropriation; street pavement about park. SECTION 9. In addition to the money appropriated by section 3 of chapter 399 of the laws of 1903 and the unexpended balance of the insurance money awarded by the insurance commissioner under the provisions of section 3 of chapter 68 of the laws of 1903 to be used for building and restoring the capitol, and any unexpended balance that may remain of the money appropriated by section 4 of this act, all of which said sums is hereby made available for the purposes of section 7 of this act, there is hereby appropriated out of any money in the state treasury not otherwise appropriated for the purposes of section 7 of this act, the sum of two hundred and fifty thousand dollars to be available in the year 1906, and the further sum of two hundred thousand dollars to be available in the year 1907. In case the commission shall find it necessary to use the last named sum or any part thereof prior to the tax levy of 1906, they are hereby authorized to apply to the commissioners of public lands for loans, and said commissioners are hereby authorized from time to time to loan to said commission, subject to the provisions of law, such part of any unused state funds as they may have on hand up to the amount of two hundred thousand dollars, such loans to be repaid from the appropriation hereby made, with interest on such loans if made from other than trust funds, at the rate required by the state treasurer of banks on his deposits therein. Provided, no part of the appropriation made in this section shall be available for the purposes designated herein until the city of Madison shall have paved the streets and street corners abutting the four sides of the capitol park in the city of Madison with asphaltum.

Responsibility of members. SECTION 10. The responsibility of members of the commission shall only extend to good faith in their administration.

How construed. SECTION 11. Chapter 399, aforesaid, except as modified and added to hereby, shall remain in full force.

Capitol plans, return of authorized. SECTION 12. The commission is hereby authorized and directed to return to Cass Gil-

bert the capitol plans prepared by him and now in the possession of the state.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved June 21, 1905.

No. 792, A.] [Published June 29, 1905.

CHAPTER 517.

AN ACT to provide an additional employee in the state banking department and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional examiner authorized. SECTION 1. The commissioner of banking is hereby authorized to employ an additional examiner for the examination and supervision of trust companies and building and loan associations in this state. Such examiner shall give a bond in the sum of ten thousand dollars with two or more sureties or a surety company, to be approved by the governor, conditioned for the faithful performance of his official duties; he shall be paid a salary of not more than eighteen hundred dollars per annum, to be fixed by the commissioner of banking, and in addition thereto, shall be allowed all actual and necessary expenses and disbursements while absent from his place of residence in the discharge of the duties of his said office. The salary and expenses shall be certified monthly to the secretary of state by the commissioner of banking upon proper vouchers and if found correct, the secretary of state shall draw his warrant therefor upon the state treasurer and the same shall be paid out of the general fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

>. 431, A.] [Published June 29, 1905.

CHAPTER 518.

N ACT to amend section 704, chapter 37, of the statutes of 1898, relating to the salary, expenses and bond of the county or district superintendent of schools.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries; expenses and bond. SECTION 1. Section 704, of iapter 37, of the statutes of 1898, is hereby amended so as to ead as follows: Section 704.* *The compensation of county nd district superintendents of schools shall be fixed by the ounty board of supervisors and shall be an annual salary of not ss than five hundred dollars in counties or superintendent dis-ricts containing more than five thousand and less than nine housand inhabitants and not less than nine hundred dollars in ounty or superintendent districts containing more than nine housand inhabitants, but in no county or superintendent district ontaining over six thousand inhabitants shall the salary be fixed t less than five hundred and fifty dollars and in counties or su-erintendent districts containing over seven thousand inhabi-ants, the salary shall not be fixed at less than six hundred dol-irs, and in counties or superintendent districts containing over ight thousand inhabitants the salary shall not be fixed at less han seven hundred and fifty dollars and in counties or superin-endent districts containing more than nine thousand inhabitants he salary shall not be fixed at less than nine hundred dollars and n estimating such populations, all cities under the supervision f city superintendents of schools shall not be counted. The ounty boards of supervisors shall allow for stationery, postage nd printing such amount as the county or district superinten-lent shall certify to be actually necessary, not to exceed one hun-lred dollars in counties or superintendent districts containing ess than five thousand inhabitants, and not exceeding two hun-lred dollars in districts containing more than five thousand in-abitants, and may allow such superintendent such sum in addi-ion to his compensation and other allowances specified above as he shall certify he has actually and necessarily expended in de-*

*Entire section is rewritten.

fraying traveling expenses while engaged in the discharge of the duties of his office; provided that no more than two hundred fifty dollars shall be allowed for such expenses in any one year to each superintendent. The superintendent shall make and present an itemized statement of these accounts, said statement or account to be audited at the annual meeting of the board of supervisors. The limitations of this section shall not apply to counties for which different limitations have been made by special acts. Each county or district superintendent shall be reimbursed his actual necessary expenses incurred in traveling from his residence to the place of holding the nearest or most accessible convention of county superintendents called by the state superintendent; his hotel expenses during the time he actually attended such convention and his expenses incurred in returning to his place or residence. An itemized statement for such expenses shall be audited by the county board upon the presentation thereof with the certificate of the state superintendent attached, showing the attendance of the county or district superintendents on such convention for the time specified in the statement, and not more than one such account shall be paid for any one superintendent for each year. Each county or district superintendent shall give a bond with such sureties as the county board of supervisors may approve for the proper performance of his duties under the law providing for a county teachers' institute fund, which bond shall secure the payment of not less than twice the sum of money which the board may estimate will come into his hands in consequence thereof.

Conflicting laws repealed. SECTION 2. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Present incumbents; salary of district superintendents. SECTION 3. Nothing hereinbefore contained shall affect the salary of any county or district superintendent now in office during the term for which such superintendent was elected. Whenever any county board shall have omitted to fix a salary for any district superintendent pursuant to the provisions of chapter 307 of the laws of 1903, the salary theretofore fixed by the county board for the county superintendent shall be the salary of such district superintendent until otherwise fixed by or pursuant to any law of this state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1905.

No. 113, A.] [Published June 29, 1905.

CHAPTER 519.

AN ACT to amend section 1950, of the statutes of 1898, providing for the valuation of policies of life insurance, and requiring that the compensation for valuation be paid into the state treasury; and providing for the appointment of actuaries, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Valuation of policies. SECTION 1. Section 1950, statutes of 1898, shall read as follows: Section 1950.* *The commissioner of insurance shall, annually make or cause to be made, net valuations of all outstanding policies, additions thereto and all other obligations of every life insurance company transacting business in this state, and for the purpose of such valuations, and for making special examinations of the condition of life insurance companies as provided for by the laws of this state, such net value shall be computed upon the basis of the "American Experience Table of Mortality" with interest at such rate as assumed by the company, provided that the rate assumed shall not be less than that determined by the legal minimum standard prescribed by the laws of this state. In every case in which the actual premium charged for an insurance is less than the net premium for such insurance, computed according to the table of mortality and rate of interest as aforesaid, the company shall also be charged with the value of an annuity, the amount of which shall equal the difference between the premium charged and that required by the rules above stated, and the term of which in years shall equal the number of future annual payments due on the insurance at the date of the valuation. The aggregate net value so ascertained of all policies of any such company shall be deemed its reserve liability, to provide for which it shall hold funds, properly and safely secured, of an amount equal to such net value above all its other liabilities. Whenever the laws of any other of the United States authorize or require an annual valuation of life insurance policies by the insurance department of any such other state, or when such valuation of any company*

*Entire section is rewritten.

has been made by the department of commerce and labor, according to the standard herein provided, the valuation so made according to the said standard of the policies and other obligations of any life insurance company not organized under the laws of this state, and certified to as true and correct by the insurance commissioner of such other state, or by the secretary of the department of commerce and labor, shall be received and accepted and no further annual valuation of the policies of such company shall be required or made by the commissioner of insurance of this state. There shall be paid by every life insurance company organized in this state, and by every life insurance company organized under the laws of some other state or foreign country if no certified valuation of its policies has been furnished as herein provided, by way of compensation for such valuation, one cent on every one thousand dollars insured by it, which shall be paid by the commissioner of insurance into the state treasury. The commissioner of insurance to comply with the requirements of this section shall appoint an actuary at a salary not exceeding twenty-four hundred dollars per year, and an assistant actuary at a salary not exceeding fifteen hundred dollars per year, who shall hold their respective positions until removed for cause, and such appointments shall be certified in writing and filed in the office of the secretary of state. Whenever any life insurance company, organized under the laws of any foreign country, shall have been admitted, it shall also be the duty of the commissioner of insurance to annually and separately value all policies written in, or on the lives of residents of this state, and it shall be the duty of such company, as one of the conditions of renewal of license, to invest and at all times keep invested the aggregate net value of such policies in such securities as provided for under the laws of this state, and deposit such aggregate amount in such securities at their book value with the state treasurer; every such company depositing such securities shall have the right to receive the income thereof, and to exchange the same from time to time for like securities of like value, and may withdraw such deposit when the commissioner of insurance shall certify that all liability arising under all policies or contracts issued in, or on the lives of residents of this state has been satisfied and that there is no further necessity for such deposit.

Conflicting laws repealed. SECTION 2. All acts or parts of acts inconsistent or conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the first Monday in January, 1907.

Approved June 16, 1905.

No. 514, S.] [Published June 29, 1905.

CHAPTER 520.

AN ACT relating to the salaries of judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries increased. SECTION 1. The judges of the circuit courts shall receive as salary, in addition to the amount now received, the sum of six hundred dollars per annum, payable quarterly, out of the state treasury.

To whom payable. SECTION 2. The increase of salaries hereby provided for shall be paid only to the circuit judges of said courts for terms of office hereafter to commence.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 21, 1905.

No. 741, A.] [Published June 29, 1905.

CHAPTER 521.

AN ACT to provide for the termination and forfeiture of franchises in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Must be exercised within four years. SECTION 1. All franchises heretofore granted by the legislature for the building and maintaining of a dam or dams across any navigable stream in this state which have not been exercised by the commencement in good faith of the work of building such dam or dams within four years from the date of the passage and publication of this act shall be forfeited and terminated.

Franchise, when forfeit. SECTION 2. All franchises hereafter granted by the legislature for the building and maintaining of a dam or dams across any navigable stream in this state which shall not be exercised by the commencement in good faith of the building and maintaining of such dam or dams within four years from the date of the passage and publication of the act granting such franchise shall be forfeited and terminate at the expiration of such period of four years.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

No. 444, S.] [Published June 30, 1905.

CHAPTER 522.

AN ACT to provide for the use of the pocket ballot and coupon voting system and to amend section 45, statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ballots, how constructed. SECTION 1. All ballots hereafter used at any general election shall be of substantially the following form, to-wit: A ballot, comprising a sufficient number of contrastingly colored sheets, stapled or fastened together at the top, each sheet composed of the requisite number of individual coupons, bearing the names of all the candidates of a certain political party, each coupon shall bear the designation of the office and the name of the political party, and said coupons shall be consecutively numbered or lettered. Each sheet shall have an exposed portion where they are attached together, bearing respectively the names of the different political parties. And a folder or envelope, having designated spaces or pockets to receive and corresponding to the several individual coupons, and means for sealing said envelope or folder to enclose certain selected sheets or coupons; the coupons of each sheet shall be designated to correspond with coupons for the same office of each and every other sheet by the use of numbers or letters. And

also an appropriate envelope to receive unused sections or portions of sections of each ballot. A sample of the envelope to receive portions of the ballot unused after voting, of the certificate of the inspector, and photographic copies of the ballot, consisting of five perforated sheets of white cardboard, and the inside of the envelope to receive the voted portion of the ballot and to be deposited in the ballot box, and a photographic sample showing ballot partly prepared for voting, are hereto attached.

Ballot boxes, how arranged. SECTION 2. Each polling place shall be furnished with two appropriate ballot boxes, into one of which that part of the ballot containing the voter's choice shall be placed and into the other of which shall be placed that part of the ballot remaining after the choice has been made, each part having been previously enclosed in the appropriate envelope or folder furnished for that purpose.

Colored samples, secretary of state to furnish. SECTION 3. It shall be the duty of the secretary of state to secure and maintain on file in his office a series of contrastingly colored samples of cardboard, bearing in his judgment the most appropriate colors for the purposes of this act, and he shall designate each sheet or sample of said series by its most commonly used color name. No official ballot used at any general election shall be made up with colors differing materially from said samples. It shall further be the duty of the secretary of state to furnish each and every person whose duty it may be to print any of the official ballots, with samples of colors corresponding to those on file for this purpose in his office to the end that the colors in which the official ballot shall be made throughout the state shall be uniform.

Party colors, how selected. SECTION 4. At an appropriate time previous to the first general election after the passage and approval of this act, the chairmen of the state central committee of each and every political party, legally entitled to a party designation upon the official ballot, may meet in the office of the secretary of state and agree if possible upon a color to represent each political party. If unable to unanimously agree then they may choose by lot or chance different colors to represent each political party, after which agreement the chosen colors shall be used to represent the respective political parties in printing the official ballot. If no such agreement shall have been made on or before the 1st day of July then it shall be the duty of the

secretary of state to designate for each political party such color as in his judgment shall be the most appropriate for the purposes of this act.

Place on ballot, how fixed. SECTION 5. At the meeting of the chairmen of the state central committees of the various political parties mentioned in section 4, of this act, the said chairmen may agree if possible upon the question of the position to be occupied by each party sheet in the ballot. If no such agreement shall be made, then it shall be the duty of the secretary of state to arrange the various party sheets from the top downward in alphabetical order.

Election notice. SECTION 6. In making publication of the election notice, the county or city clerk as the case may be, shall precede the same with a statement which shall be substantially in the following form, to be modified or varied according to the nature of the election, the caption to which shall be conspicuously displayed but in no case shall the space occupied by said caption be more than one and one-fourth inches in depth:

ELECTION NOTICE.

Office of ———— Clerk,
————, 19—.

To the Electors of ———— county or city:

Notice is hereby given that a general election (or judicial or city, or school or special, or judicial and city election, as the case may be) is to be held in the several towns, wards and election precincts in the county or city of ————, on the ——— day of ————, 19—, at which the officers named below are to be chosen. The name of the candidate for each office to be voted for, whose nominations have been certified to this office, are given on each coupon above the appropriate party or other designation, each in a separate column, with the questions submitted to a vote stated below.

INFORMATION TO VOTERS.

The following instructions are given for the information and guidance of voters. At such election the pocket ballot and coupon voting system will be used. A voter upon entering the polling place and giving his name and residence, will receive a

ballot from the ballot clerk which must have indorsed on the outer surface of the pocket envelope the names or initials of both ballot clerks, and no other ballot can be used. Upon receiving his ballot the voter must retire alone to a booth or compartment and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of preparing a ballot, but he must not advise or indicate in any manner whom to vote for. If it be a general election these words are to follow: The voter if he wishes to vote for all the candidates nominated by any party should detach the whole sheet of coupons at the top which represents his desired party, fold lengthwise and place inside of the envelope bearing the designation "official ballot" and the name or initials of the ballot clerk. If the voter wishes to vote for some of the candidates of different political parties he shall tear out each candidate's name coupon bearing the color and number of his choice and place the same in the corresponding pockets or spaces in the folder or envelope provided for that purpose. If his choice is largely composed of candidates of a certain political party he may detach from such whole sheet those he does not wish to vote for and substitute others for them of his choice, bearing the same number or letter, placing them in the proper pockets and then place all the coupons he desires to vote inside the envelope as in voting a whole or straight ticket. If he wishes to vote for a person for a certain office whose name is not on the ballot, he must write the name upon a proper coupon under the printed name of a candidate for the office. The ballot should not be marked in any other manner. If the ballot be spoiled it must be returned to the ballot clerk, who must issue another in its stead, but not more than two in all to any one voter. Five minutes' time is allowed to prepare ballot. Unofficial ballots or memorandums to assist the voter in preparing his ballot can be taken into the booth, and may be used to copy from. The ballot must not be shown so that any person can see how it has been prepared by the voter. After it is prepared it should be closed so that the inside cannot be seen. The voter must place all remaining sheets and coupons or parts of sheets or coupons in the other envelope provided for that purpose and seal such envelope in the presence of the election board. When the voter passes out of the booth compartment he shall give his name to the inspector in charge of the ballot boxes, seal the selected portion of his ballot in the official ballot envelope and the balance in the return envelope and hand such inspector both envelopes, each to be placed in the proper boxes, and pass out of the voting place. A voter who declares to

the presiding officer that by reason of physical disability he is unable to prepare his ballot, can have assistance of one or two election officers in preparing the same, to be chosn by the voter, and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal voters of the county. The presiding officer may administer an oath in his discretion, as to such person's disability. The party designations and candidates for the different offices are, for example, as follows: (Insert list of party names, colors and candidates.)

The body of said notice shall be set in the type of the regular reading matter of the paper making the publication, which shall not be larger than long primer or smaller than minion, and shall contain at least seven lines of type to the inch. The titles of officers and names of candidates shall be separated in the notice by blank spaces not exceeding one-twelfth of an inch in width, and the columns containing the titles of offices and the names of candidates shall not exceed two and one-sixth inches in width. Each ticket shall be so printed in two columns one for the state and one for the county officers, with dotted lines to indicate perforations. No other or further publication of notice provided for by this and the preceding section shall be required to be made by any county or city clerk, except that in cities the clerk shall, at the foot of each notice, specify the place of voting in each election precinct, and the hours of opening and closing the polls. The compensation to be paid for all publications of such notices shall be one dollar per square for weekly papers and two dollars per square for daily papers, but the total shall in no case exceed the amount hereinafter specified, to-wit: For general election in weekly newspapers one hundred and twenty dollars, and in daily newspapers two hundred and forty dollars; for a judicial election, in weekly newspapers twenty-five dollars, and in daily newspapers fifty dollars; for a municipal election in weekly newspapers thirty-five dollars; and in daily newspapers seventy dollars, which shall cover all insertions required to be made; provided that in cities of the first class said notice shall be published daily and the compensation for publication of said notice shall be at the rate of one dollar per square for the first insertion, and seventy-five cents per square for each subsequent insertion. The word square as used in this section shall be construed to mean a space one inch in length on the column.

Ballot, how printed. SECTION 7. Every ballot printed under the provisions of this act for use at general elections shall be in

accordance with section one of this act, and all such envelopes or folders bearing designated spaces or pockets shall be made from white paper sufficiently thick so as to completely preserve the secrecy of the ballot, and of appropiate size. Each envelope furnished for the return of the remaining sections, sheets or coupons not used by the voter in expressing his choice shall be of convenient size for the purpose, and made of paper of a sufficient thickness to completely conceal its contents from view, and may be of a manila or yellow paper. There shall also be left under the name of each candidate sufficient space to write the name therein in lieu of the one printed. No pasting names over a ticket or over any names thereon shall be allowed, and no names so pasted shall be counted except as provided in section 34, statutes 1898. When any person is nominated for the same office, by more than one party or convention, his name shall be placed upon the ticket or sheet of the party which first nominated him, or if he was nominated by more than one party or convention at the same time, he shall, within the time fixed by law for filing certificate of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written election indicating the party designation under or with which he desires his name to be printed on the ballot, and it shall be so printed. If he shall refuse or neglect to so file such election, the officer with whom the certificate of nomination is required to be filed, shall place his name under or with the designation of either of the parties by which he is nominated, or with the designation of either of the parties by which he is nominated, but under no other designation whatever. The names of persons nominated by paper nominations shall be placed on one or more sheets, under or with the designation of individual nominations, and for this purpose no color sheet shall be used; such sheet or sheets shall be white; provided, however, that the coupons of such white sheets bearing individual or paper nominations shall be designated by numbers or letters to correspond with the spaces or pockets provided for voting such coupons in the envelope or folder and after or below the name of each shall be printed the party designation as given in his nomination papers, provided that the name of the same individual shall not be placed on the ticket under the head of individual nominations if his name already appears under a party designation. On the back and outside of every ballot shall be printed the words: Official ballot for ....., followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official in-

dorsement and blank certicfiates in the following forms: I certify that the within ballot was prepared by me for an elector incapable under the laws of preparing his own ballot, and as directed by him.

.....,
Inspector of Election.

I certify that the within ballot was prepared by me for a blind elector at his request, and as directed by him.

.....

No party designation need be placed upon the ballots for school or judicial officers or for county, district or state superintendent of schools. In judicial or city elections the same general form of ballot shall be used and like notice given. Party candidates shall be arranged thereon as above provided for ballots at general elections, and the names of persons nominated by nomination papers, and not included in the regular primary election tickets, shall be placed as is provided for individual nominations on the ballots at general elections. Such ballots shall have similar matter printed on the back and outside as other official ballots are required to have.

Order of arrangement. SECTION 8. On ballots to be used at general elections the order of arrangement of offices to be filled in shall be:

First. The presidential electors, if any, the list of which must be accompanied by the names of the nominees of the party for president and vice-president and those of the same party, all to be printed on one coupon of appropriate size, such coupon to be numbered one; if there be none then the coupons bearing the candidates for governor shall be numberd one.

Second. The names of the several state officers to be filled, thus: Governor, lieutenant-governor, secretary of state, treasurer, attorney general, railroad commissioner, commissioner of insurance and such other elective state offices as may be provided by law.

Third. The member of congress of the district.

Fourth. The state senator and member of assembly.

Fifth. The county officers in the order prescribed in section 698 of the statutes of 1898 as amended by chapter 307 of the laws of 1903, except superintendents of schools.

If any officer to be elected is to fill a vacancy, that fact shall be so specified upon the ballot. Whenever a proposed amend-

nent to the constitution or other question shall be submitted to the people, a concise statement of the nature thereof shall be printed, in accordance with the act or resolution directing its submission, upon the ballot after the names of the candidates, opposite the question submitted shall be two spaces, after one of which shall be printed the word "yes" and after one the word "no," and the voter may mark his ballot in the space after whichever word indicates his vote on the question, unless the act or resolution provide or require a different form of ballot, in which case a proper form of ballot shall be furnished. Provided, however, that in election districts in which voting machines are used, no ballot clerk shall be appointed.

Number of ballots printed; samples. SECTION 9. There shall be printed, in the manner hereinbefore provided, by each county clerk and each city clerk, seventy-five ballots for every fifty or fraction of fifty votes cast at any preceding election in any election district in the county or city. Each clerk shall, at the time of ordering official ballots to be printed, cause unofficial sample ballots to be printed, each party sheet of which shall be exactly like the official ballots in every particular, provided, however, that all pocket envelopes furnished for sample ballots shall be made of tinted or colored paper so as to be readily distinguished from the official ballots, and each such envelope, both the pocket envelope and that for the return of unused portions, shall also bear the word "unofficial" plainly printed thereon in addition to all the directions and instructions which are printed upon the official ballot, and delivered to the chairman of any political committee in the county or city, as the case may be, upon the request for such ballots by such committee, to an amount not exceeding one-tenth of the official ballots for each precinct in the county or city. Such request must be made before the printing of the official ballots, and they shall be paid for in the same manner that official ballots are paid for, without additional charge for composition. A committee may, at its own expense, order a larger supply of sample ballots than is required by this section. All ballots ordered printed by county and city clerks shall be printed at the cost of their respective cities or counties.

Compartments and places in booth. SECTION 10. Section 45, statutes of 1898, is hereby amended by striking out the word "marking" in line 11 of said section, so that the same shall read, when so amended, as follows: All officers upon whom is imposed by law the duty of designating polling places shall, under

the penalties elsewhere prescribed, provide and maintain in each polling place designated by them a sufficient number of places or compartments, at least twenty-four inches wide and deep, with shelves for writing, which shall be furnished with such supplies and conveniences as shall enable voters to conveniently prepare their ballots, and each compartment shall be furnished with a door, screen or curtain of cloth so hung as to completely conceal the voter and anyone who may lawfully assist him, from observation while * * * preparing his ballot, and said room shall have a guard rail so constructed that only persons within said rail can approach within five feet of the ballot boxes or such places or compartments. The number of such places, shelves or compartments shall not be less than one for every fifty electors who voted at the last preceding general election in the district. No person except the officers of election, other than voters engaged in receiving, preparing or depositing ballots, shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves, compartments, doors, screens or curtains and guard rails shall be provided for in the same manner as other election expenses. *All the places in the general election laws where the word "marked" or "marking" is used to mean pencil marks made by a voter in marking his ballot shall be hereafter understood to mean "prepared," except where it has reference to voting upon a question or amendment.*

Ballot clerks, duty of. SECTION 11. The ballot clerks shall only serve on election day. It shall be their duty to take charge of the official ballots, write their names or initials upon the back of each ballot under the printed indorsement thereon, and deliver to each voter as he enters the booth one ballot duly indorsed. They may, if requested by any voter, instruct him as to the proper manner of preparing his ballot, but shall give no advice or suggestions, nor express any preference, nor make any requests as to the person or ticket the voter shall vote for.

Manner of voting. SECTION 12. On receiving his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments to prepare the same. If he wishes to vote for a person for a certain office whose name is not on the ballot, he may write such name under the printed name of one of the candidates for that office. An elector may use or copy an unofficial sample ballot which may have been prepared in advance of his entering the polling place, but he shall not use or bring into any such place any official

ballot other than those which he rightfully receives from the ballot clerks. After preparing his ballot the electer shall close he same so as to conceal the contents of both envelopes completely; he shall proceed to the presence of the inspectors and seal the pocket ballot containing his choice and the return envelope containing unused portions of the ballot, so that the said inspectors may see him seal them; he shall then vote forthwith and before leaving the polling place.

Voter may be assisted, when. SECTION 13. If it shall be announced to the inspectors of any precinct that a voter is at the door who is unable to enter the polling place without being assisted, they may, in their discretion, appoint one of their number to take an official ballot and go to the entrance of such place and present it to any such physically disabled person, and assist him in preparing it, if such person desires him to do so. When the ballot shall have been prepared, it shall be closed and immediately taken into the polling place, whereupon the inspector shall distinctly announce that he holds in his hand a "ballot offered by ..... (naming the person), a person who is physically disabled from entering the room without assistance." He shall then ask, "Does any one object to the reception of this ballot?" If no objections are offered, the ballot shall be deposited in the box, and a minute shall be made on the poll book by the clerks of election, thus: "Ballot received at the door." In case objection is made to the reception of a ballot by any qualified elector present, the inspector shall decide upon the objection, and, if they deem it well founded, shall destroy the ballot; otherwise it shall be deposited; if the ballot be destroyed, the inspector shall immediately notify the voter of the fact.

Ballots, how counted; intention of voter. SECTION 14. All ballots cast at any election shall be counted for the persons for whom they are intended, so far as such intent can be ascertained therefrom. In determining the intent the following rules shall be observed: If any elector shall place inside of the pocket envelope the whole of the sheet containing all of the candidates of a political party, he shall be deemed to have voted for all the candidates whose names appear on such sheet, unless some name or names shall be erased, or unless he shall have actually placed within the pockets or designated spaces, or within the pocket envelope, one or more coupons bearing the names of a candidate or candidates taken from some other sheet or sheets of the bal-

lot, in which case such coupon or coupons so placed shall be deemed an exception to his general choice as represented in the whole sheet so placed within the ballot or pocket envelope, and such coupon or coupons shall be counted for the candidates whose names they bear. When an elector shall have written the name of a person in the proper place for writing the same he shall be deemed to have voted for the person, although he shall have omitted to have erased the name printed upon the same coupon.

Votes, how canvassed. SECTION 15. As soon as the poll of the election shall be finally closed the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed and the statements required by law are made. They shall commence by a comparison of the poll lists and the correction of any mistake therein, until they shall be found or made to agree. The box containing the ballot or pocket envelopes shall then be opened and the ballots therein taken out and counted by the inspectors, unopened. If the ballots in the box shall be found to exceed in number the whole number of votes shown by the poll lists, they shall be replaced in the box and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, so many ballots unopened as shall be equal to such excess. The ballots so drawn shall not be counted, but shall be preserved until all other ballots shall have been counted, when, if in the judgment of the election board there shall be no necessity of retaining them for the purpose of tracing out and detecting fraud, they shall be destroyed without opening. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspector shall then proceed to open and count and ascertain the number of votes. After having so counted and ascertained the number of votes, it shall be the duty of the inspectors to open the box containing the remainders or unvoted portions of the ballot, and they shall look at the contents of each envelope containing such remainders. If it shall appear by such inspection that any other matter has been used to make such envelopes have the proper outward appearance when voted, or if there shall be other evidences of irregularity, it shall then be the duty of the inspectors to open any excess ballot envelopes, which may have been drawn for the above mentioned purpose and proceed to match the parts therein contained, if any, from some of the parts of ballots in the re-

ainder box so as to make them full and complete as they were fore voting, after which they shall again be laid aside, and all the ballots which have been counted shall be so matched and led from the remainders until such ballot or ballots from the st or counted part shall be found for which no corresponding ll remainder can be found; such ballots so found shall then d in that case be thrown out and subtracted from the re-rns; provided further, however, that it shall be the duty of e inspectors during the whole day to watch closely in the oths and about the polling place for parts of sheets or cou-ns which may inadvertently have been left out of the proper turn envelopes by careless voters, and preserve all such so und, if any, and the same shall be considered in case a check ck as before mentioned shall be made. It shall be the duty the inspectors to caution all voters (as far as practicable and nsistent with their other duties) to return all unused sheets, upons, or parts of sheets or coupons in the envelope furnished r that purpose; cautionary instructions of this nature shall so be printed upon one of the outer faces of such envelope.

Disposition of envelopes containing ballots; sample. SECTION . All envelopes containing ballots shall be numbered consecu-vely by the inspector as rapidly as they are counted and as on as each ballot cast at any election, shall be counted it and l parts of it, shall be returned to the envelope from which it as taken, and such envelopes shall be closed and threaded con-cutively upon a string or cord, and when all are counted, such ing or cord shall be tied and sealed and the whole number of llots so counted, strung together and sealed, shall be replaced the ballot box from which they were taken and such ballot x shall be locked and sealed and returned to the city or town erk having legal charge thereof and such ballot box and bal-s therein, shall be preserved intact for three months succeed-g any election at which the same were used or voted, and such llot box shall not be opened during such period except by order a court of competent jurisdiction for the purpose of mak-g a re-count of the ballots therein contained, and unless so dered opened and ordered further preserved by such court, all ch ballots shall be destroyed at the end of three months by the erson having charge thereof.

Form of ballot. SECTION 17. The official ballots for general ection and for regular city elections with the indorsements ereon and the instructions given at the head thereof as herein nended shall be in substantially the annexed form, provided

that ballots for city elections may be varied as to the titles of the officers to be printed thereon to conform to the law under which each such election is held, and shall be made of the materials before mentioned in this act; all sheets of coupons shall be made of cardboard of appropriate thickness, and shall be perforated as indicated by lines in the annexed form. And a pocket envelopes or folders shall be substantially like in form and construction to the annexed sample. And all envelopes for the return of unused portions shall be like the annexed sample.

Conflicting laws repealed. SECTION 18. All acts and parts of acts conflicting with the provisions of this act are hereby repealed; provided that this act shall not repeal or be deemed to conflict with any statute authorizing the use of voting machines at elections.

Contract with patentee. SECTION 19. Whereas, Moneena Dunn, of Marshfield, Wisconsin, has applied for letters patent and has submitted his petition, specifications, oaths and drawings for a patent on aforesaid pocket ballot, designed for use at all general elections, and

Whereas, he desires to enter into a contract with the state for the purpose of assigning the exclusive right to use said ballot in this state at general elections therein; now, therefore,

The secretary of state is hereby authorized to enter into a contract with the said Moneena Dunn by an instrument in writing whereby said Moneena Dunn shall grant and convey to the secretary of state and to his successors in office for the benefit of the people of this state, an exclusive right, if letters patent shall be to him issued, to use said patented ballot within the limits of this state at general, city and judicial elections, said assignment to be made pursuant to the provisions of section 4898 of the United States Statutes.

Submission of, to vote of people. SECTION 20. The question whether the foregoing provisions of this act shall go into effect and be in force shall be submitted to the people of this state at the election to be held on the first Tuesday of April in the year 1906 and, if approved by a majority of the votes cast upon that question, it shall go into effect and be in force from and after it shall be ratified by the people as herein provided; and provided, the contract hereinbefore set forth shall have been made; otherwise it shall not take effect or be in force.

Upon the ballot to be voted at such election shall be printed: **Shall chapter —— [insert on the ballot the number of chapter**

f the laws of 1905, entitled "An act to provide for the use of he pocket ballot and coupon voting system and to amend section 5 of the statutes of 1898," be adopted?

SECTION 21. This act shall take effect and be in force from nd after its passage and publication, subject to all provisions erein contained for its submission to the people for their ratifiation or rejection.

Approved June 21, 1905.

No. 703, A.] [Published June 29, 1905.

CHAPTER 523.

AN ACT relating to the office of county supervisor of assessment and to amend chapter 445 laws of 1901.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County board to elect supervisor; vacancies. SECTION 1. Section 1 of chapter 445 of the laws of 1901 is hereby amended o as to read as follows: Section 1.* *The county board of very county at the annual meeting in November, 1901, and at he annual meeting every third year thereafter shall elect a ounty supervisor of assessment who shall hold his office for three ears from the first Monday in January following such annual neeting and until his successor is elected and qualified. If any acancy shall occur in said office it may be filled by the county oard at an annual meeting or at any special meeting called for hat purpose; provided, that in case any such board shall fail to lect a supervisor of assessment at the annual meeting herein lesignated for that purpose, or shall fail to fill any vacancy ithin thirty days after it shall occur, the commissioner of taxaion shall appoint a suitable person to hold such office and dischange the duties thereof and shall also fix the rate of compensaion of such appointee within the limits herein prescribed. The*

*Entire section is rewritten.

person so appointed or chosen to fill a vacancy as above provided shall, after qualification, hold said office for the remainder of the term in which such vacancy shall occur or for which such election should have been made, and until his successor shall be chosen and qualified. The county board or the commissioner of taxation may remove any supervisor for incompetency, fraud or wilful neglect of duty, upon charges preferred and ten days' notice in writing of the hearing thereon. A copy of such charges shall be included in such notice or served therewith.

Qualifications for office; bond; county to pay commission for. SECTION 2. Section 2 of said chapter 445 is hereby amended so as to read as follows: Section 2. *No member of the county board shall be eligible to the office of supervisor of assessment during the term for which he was elected or chosen a member of such board. No person shall be eligible to such office unless he shall have been an elector and householder of the county continuously for three years immediately preceding the date of his election.* Such officer before entering upon his duties shall give a bond to the state of Wisconsin signed by an authorized surety company, * * * conditioned for the faithful and impartial discharge of his duties, to be approved by the county judge, and shall take and subscribe an oath or affirmation to support the constitution of the United States and of this state and to faithfully, imparitally and honestly discharge the duties of his office. Such bond and oath of office shall be filed in the office of the clerk of the circuit court. *Such bond shall be in the penal sum of five thousand dollars unless the county board before the election of such officer shall fix the amount at a different sum: but the penalty of such bond shall in no case be less than one thousand dollars.* The commission of the surety company signing such bond shall be paid out of the county treasury.

Salary of supervisor; deputy. SECTION 3. Section 3 of said chapter 445 as amended by chapter 316 of the laws of 1903 is hereby further amended so as to read as follows: Section 3. The county board at the annual *meeting* at which such board shall elect a county supervisor of assessment, and prior to such election, shall fix the compensation of such officer, which shall not be increased or decreased during his term of office: but the compensation of said officer shall not exceed the sum of four dollars *nor be less than three dollars* for each day actually employed in the work of such office, which *compensation* shall include all his expenses except for stationery, blanks, and postage. *The*

county board, at the time of fixing the rate of compensation of the supervisor of assessment, may, by resolution adopted by majority vote of two-thirds of the members thereof, limit the number of days in each year for which such officer shall receive compensation for his services; provided that in counties in which the value of the property therein subject to taxation under the general assessment laws as last determined by the state board of assessment, shall not exceed ten million dollars, such limit shall not be a less number of days than seventy-five nor more than one hundred; in counties in which such value shall exceed ten million dollars such limit shall not be less than one hundred days nor more than one hundred twenty-five days; in counties in which such value shall exceed twenty million dollars such limit shall not be less than one hundred twenty-five days nor more than one hundred fifty days; in counties in which such value shall exceed thirty million dollars such limit shall not be less than one hundred fifty days nor more than one hundred seventy-five days; in counties in which such value shall exceed forty million dollars such limit shall not be less than one hundred seventy-five days nor more than two hundred days; and in counties in which such value shall exceed fifty million dollars such limit shall not be less than two hundred days. The compensation *of the supervisor of assessment* for services and postage shall be provisionally audited by the county clerk at the end of each month upon filing with such clerk a duly verified statement showing the number of days actually employed and the amount of postage necessarily expended in the work of his office during such month; but such statement shall be re-audited by the county board at its annual meeting. The amount so audited each month shall be paid as the salaries of other county officers are paid except that compensation for the months of October and November may be withheld until the supervisor's entire account to date shall have been audited by the county board at its annual meeting. The county clerk shall cause to be printed and furnish at the expense of the county such stationery, blank forms, and record books as may be required by the supervisor for his official use. The county board may authorize the county supervisor of assessment to appoint one or more deputies with the same power as said county supervisor, whose compensation and term of service shall be fixed by the county board, which shall not exceed the compensation or term of service of the supervisor of assessment. *The county board may also authorize the supervisor of assessment to employ such clerical or other assistants as the board may deem necessary, and such board may limit the number of persons to be so em-*

ployed, the period of their service, and the compensation to be paid. The compensation of such deputy and of such assistants shall be audited and paid in the same manner as that of the supervisor, except that the statements therefor shall be approved by the supervisor before being provisionally audited by the county clerk.

Report of supervisor to county board. SECTION 4. Section 8 of said chapter 445 is hereby amended so as to read as follows: Section 8. The said supervisor of assessment shall make a report to the county board before each annual session, showing in detail the work of assessors in each of the several districts, the failure, if any, of assessors or property owners to comply with the law, the relative assessed and true value of property in each assessment district, and all such information and statistics as he may obtain which will be of assistance to the county board in determining the relative value of all taxable property in each town, city, and village in the county. *Such report shall be filed with the county clerk at least fifteen days before the annual meeting of the county board. The county clerk shall cause to be printed not less than two hundred copies of such report. One of such copies shall be mailed by the county clerk to each member of the county board as soon as practicable and not later than six days before the meeting of the board in annual meeting. One written or typewritten* copy of such report, together with all statistics accompanying the same *and five of such printed copies* shall be filed with the state tax commission.

Additional provisions as to salaries. SECTION 5. The provisions of this act fixing the maximum and minimum rate of compensation to be paid to supervisors of assessment and number of days of service shall apply to all such officers who have been or who shall be elected or appointed for the term commencing the first Monday in January, 1905, or for any portion of said term. If any county board shall have fixed the rate of such compensation for said term at less than three dollars per day, or the number of days of service at less number than the minimum fixed herein, such board may re-determine such rate for said term at not less than three nor more than four dollars per day, at any annual or special meeting; but until the rate shall be so re-determined, in the cases aforesaid, the rate of the compensation of the supervisor of assessments during said term shall be three dollars per day and the number of days service shall not be less than the minimum number of days provided. The power herein given to

county boards to limit the period for which the supervisor of assessment shall receive compensation may be exercised at the annual meeting to be held in November, 1905, in respect to the remainder of the said term commencing in January, 1905, but not as to the first year of said term.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved June 20, 1905.

MEMORIALS AND JOINT RESOLUTIONS.

[No. 1, A.]

MEMORIAL NO. 1.

Relating to fish hatcheries on the Great Lakes.

WHEREAS, The state of Wisconsin for a long period has been furnishing fish frye for the Great Lakes and

WHEREAS, The federal government has established fish hatcheries for this purpose in the surrounding states bordering upon the Great Lakes,

WHEREAS, Such work is for the benefit of the whole people and not merely for the people of our state; therefore be it

Resolved, That our representatives in Congress are hereby requested to use all proper means to secure one or more fish hatcheries maintained by the United States government within the borders of our state.

[No. 7, S.]

JOINT RESOLUTION NO. 1.

Be it resolved by the senate, the assembly concurring, That we commend the action taken by the members of the Wisconsin delegation in congress in regard to the readjustment of the tariffs;

And be it further resolved, That it is the sense of the Wisconsin legislature that the promises made in the Republican National Platform, regarding the readjustment of the tariffs, should be

kept, and a copy of these resolutions transmitted to the President, President of the Senate, Speaker of the House of Representatives, also to the Senators and members of the House of Representatives from Wisconsin.

January 25, 1905.

[No. 5, S.]

JOINT RESOLUTION NO. 2.

WHEREAS, The present interstate commerce law has, by experience, been proven to be ineffectual in securing to the people just and reasonable rates for the transportation of persons and property, and

WHEREAS, Great and continuous effort has been made to secure congressional legislation, to the end that the Interstate Commerce Commission be given such power as to insure the establishment and maintenance of just and reasonable rates for such transportation to the people of this country, and

WHEREAS, President Roosevelt has made recommendations to congress, in his recent message, that the Interstate Commerce Commission should be vested with the power, where a given rate (for the transportation of property in interstate or foreign commerce) has been challenged, and, after full hearing, found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the commission to take effect immediately, and to obtain unless, and until, it is reversed by the court of review, therefore be it

Resolved, by the senate, the assembly concurring, That we respectfully memorialize the fifty-eighth congress of the United States, to enact at its present session, such legislation as shall comply in letter and spirit with the said recommendations of President Roosevelt, and we respectfully demand of the senators and representatives, and each of them, representing this state in the congress of the United States to vote for, and urge, to the best of their ability, the immediate enactment into law of such proposed legislation, and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the Secretary of State to the President of the United

States, the President of the Senate of the United States, and to the Speaker of the House of Representatives, and to each of the senators and representatives from this state.

[No. 30, A.]

JOINT RESOLUTION NO. 3.

Relating to the death of the Hon. Thomas F. Timlin.

WHEREAS, Since this body was last convened, God in His infinite wisdom removed from this life our true and tried friend, the Honorable Thomas F. Timlin, and

WHEREAS, Mr. Timlin was an honored member of the assembly at the session of the legislature of 1903, and during his time as such member, he had by his kindness of heart, genial disposition, loyalty to friendship and devotion to duty, won the respect, confidence, admiration and friendship of his associate members, therefore be it

Resolved by the assembly, the senate concurring, That in the death of Mr. Timlin, we are called upon to mourn the loss of a wise legislator, a true friend and an honored citizen.

Resolved further, That we tender to the family of our honored deceased friend, our expression of heartfelt sympathy.

Resolved further, That a copy of this resolution be spread upon the assembly journal and that an enrolled copy, signed by the Speaker and Chief Clerk thereof, be forwarded to the family of the deceased.

[No. 28, A.]

JOINT RESOLUTION NO. 4.

On the death of Frank A. Cady.

WHEREAS, Frank A. Cady, recently a member of this body, from Wood county, has obeyed the summons that sooner or later comes to every one,

Resolved, That we hereby express our deep regret at the very serious loss, sustained by the many interests in which Mr. Cady took so prominent a part. As a citizen, his voice was always in favor of wise and intelligent advancement, as a member of the school board of his home city, no one more readily recognized or more heartily approved of all efforts tending to greater efficiency of the means for education; as a member of the city council of Marshfield, he never failed to use his influence and ability to the credit of the city and to the advantage of every legitimate enterprise. As a member of this body, his attitude towards legislative measures was ever in accord with his convictions, not with self-interest. As a lawyer, his name, wherever known, was a synonym for untiring effort, indomitable perseverance and wonderful painstaking industry. Whatever duty came to him or whatever task he assumed, his fullest energy and his whole time were given to the work.

The community of which Mr. Cady was a valuable factor, the assembly of which he was a most efficient member, the profession, which he graced with his legal attainments, all feel the great loss, sustained in the untimely death of this man. With his family, his friends, his associates, we sincerely sympathize and hereby offer our condolence.

Resolved further, That copies of these resolutions be enrolled and signed by the speaker and chief clerk of the assembly and by the president and chief clerk of the senate, and presented to the family of the late Frank A. Cady, and to the press of Wood county, Wisconsin.

[No. 10, A.]

JOINT RESOLUTION NO. 5.

Pertaining to permanent improvement of the upper Mississippi

WHEREAS, The permanent improvement of the upper Mississippi river, between St. Louis, Mo., and St. Paul, Minn., by maintaining a channel of six feet in depth at low water will be in the interest of commerce and for the benefit of all the people of the five states contiguous,

Resolved by the assembly, (the senate concurring,) That we request the senators and representatives in congress from the state of Wisconsin to approve of and support the request and petition of the Upper Mississippi River Improvement Association now pending before congress, for the improvement.

[No. 29, A.]

JOINT RESOLUTION NO. 6.

On the death of Honorable David G. Williams.

WHEREAS, Since the last convening of this legislature death has claimed the Honorable David G. Williams, assemblyman from the second district of Columbia, who departed this life at Cambria, Wisconsin, August 26, 1903,

Resolved, by the assembly, the senate concurring, That in the death of this faithful legislator the state has sustained the loss of a good man and a fearless citizen, and one whose integrity was never questioned, whose honesty was above suspicion, whose private life and short public career were both a credit to himself and source of gratification to his friends.

Resolved, That we, as a body, extend to his bereaved family our heartfelt sympathy in the loss of a kind and indulgent husband and father, and to the state the loss of so faithful a citizen.

Resolved further, That a copy of these resolutions properly enrolled and signed by the speaker and chief clerk of the assembly and by the president and chief clerk of the senate, be presented to the family of the late Honorable David G. Williams.

[No. 27, S.]

JOINT RESOLUTION NO. 7.

Authorizing Senator Frear to introduce a bill to supervise, regulate and limit the issuance of stock, shares, bonds, liens and mortgages by any railway company upon its property within the state.

Resolved, by the senate, the assembly concurring, That Senator Frear is hereby authorized to introduce a bill to supervise, regulate and limit the issuance and execution of stock, shares, bonds, liens and mortgages by any railway company upon its property within the state.

[No. 33, A.]

JOINT RESOLUTION NO. 8.

Relating to the establishment of a binder twine plant at the Wisconsin state prison.

WHEREAS, A bill has been introduced in this legislature providing for the establishment of a binder twine plant at the Wisconsin state prison and

WHEREAS, The legislature is desirous that an investigation of the operations and results of similar plants in the prisons of other states be made, and

WHEREAS, The legislature desires that all such information be obtained and reported to the legislature of 1907, therefore, be it

Resolved by the assembly, the senate concurring, That the state board of control make a thorough investigation of the workings of binder twine plants now in operation in prisons in other states and the financial results of such binder twine plants, and obtain such other information as it can concerning binder twine plants and make a report of such investigation to the legislature of 1907.

[No. 34, A.]

JOINT RESOLUTION NO. 9.

Authorizing superintendent of public property to permit the Wisconsin Shiloh Monument Commissioners to take certain battle flags to Shiloh, Tenn., at the time of the dedication of the monument erected by Wisconsin.

Resolved by the assembly, the senate concurring, That the superintendent of public property is hereby authorized to permit the Wisconsin Shiloh Monument Commissioners to take the battle flags of the 14th, 16th, and 18th Wisconsin Volunteer Infantry to Shiloh, Tennessee, at the time of the dedication of the monument erected by Wisconsin on that battlefield, the same to be returned to the custody of the superintendent of public property at Madison, Wisconsin, when the purpose of permission hereby given is accomplished.

[No. 29, S.]

JOINT RESOLUTION NO. 10.

Granting return of confederate flags to state of Alabama.

WHEREAS: The governor of Alabama has requested the return of one set of colors now held in this state that was carried by a Perote Guard, 1st Alabama C. S. A. during the Civil War, and

WHEREAS: The granting of this request would be an act of courtesy of Wisconsin to a sister state, tending to strengthen, not alone the friendship between our state and Alabama but to some extent between all states North and South, and

WHEREAS: We desire to bear testimony to the gallantry and courage of the Confederates during the Civil War, also to the loyalty of these same southern states in the more recent Spanish war, in which north and south marched undivided under the stars and stripes against a common foe—Now, therefore,

Resolved: That this request from the governor of Alabama be granted, by returning the colors of the Perote Guards; and further

Resolved by the senate, the assembly concurring: That we hereby express to the people of Alabama through their governor our feeling of friendship and respect and that in the return of this stand of colors once carried by men who were then our foes, we realize that we are returning it to brave men who fought, many of them to the death, for what they then thought was justice and right; to men who in later years, had the moral courage to acknowledge that they were then in the wrong; to men who, in the declining years of life are loyal to the one common flag that we all love, to the principles of justice and equal rights for which we all stand; men whom, we of Wisconsin, recognize and claim as our fellow citizens and with whom we are glad to share the peace and prosperity that has come to us as a nation.

Resolved: That a copy of these resolutions be forwarded to the governor of Alabama, and that the superintendent of public property be directed to carry out the provisions of this resolution.

[Substitute for No. 14, S.]

JOINT RESOLUTION NO. 11.

Providing for an amendment to section 10, article 8 of the constitution, relating to internal improvement.

Resolved by the senate, the assembly concurring, That section 10, of article 8, of the constitution be amended by adding at the end thereof the following:

"Provided that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways."

[No. 12, A.]

JOINT RESOLUTION NO. 12.

Resolved by the assembly, the senate concurring, That section 1 of article 8 of the constitution of the state of Wisconsin be amended by adding at the end thereof the following: "Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided," so that when so amended said section shall read as follows: "Section 1. The rule of taxation shall be uniform, and taxes shall be levied upon such property as the legislature shall prescribe. Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided."

[No. 54, A.]

JOINT RESOLUTION NO. 13.

Providing for the appointment of a committee to investigate the advisability of the participation of the state of Wisconsin in the Jamestown Ter-Centennial Exposition, to be held on or near the waters of Hampton Roads, in the state of Virginia, in the year nineteen hundred and seven, in commemoration of the first permanent settlement made in the United States, by English speaking people, in the year sixteen hundred and seven, and to report the character and cost of said participation to the next session of the legislature.

WHEREAS, The United States by an act of Congress has determined it to be desirable to commemorate, in a fitting and appropriate manner, the birth of the American nation, the first permanent settlement of English speaking people on the American continent, made at Jamestown, Virginia, on the thirteenth day of May, in the year sixteen hundred and seven, in order that the great events of American history which have resulted

herefrom may be accentuated to the present and future generations of American citizens; and has inauguated in the year nineteen hundred and seven, on and near the waters of Hampton Roads, in the state of Virginia, an inter-national naval, marine and military celebration, beginning on the thirteenth day of May, and ending not later than the first day of November, in the year nineteen hundred and seven; and

WHEREAS, The state of Virginia by an act of its general assembly did provide for the celebration of said event, by the holding of an industrial and historical exposition, which is to be held on the shores of Hampton Roads contemporaneously and in conjunction with the celebration inaugurated by the United States government;

WHEREAS, An invitation has been extended to the several states and territories to participate in said exposition and many of the states have already accepted said invitation and arranged for exhibiting the part they have taken in the historic and material development of this great country. Now therefore be it

Resolved by the assembly, the senate concurring, That there shall be appointed forthwith by the Speaker of the assembly four members thereof, and by the President of the senate, three members thereof, who shall constitute a Wisconsin committee for the Jamestown Ter-Centennial Exposition to be held on and near the waters of Hampton Roads in the state of Virginia in the year 1907, to investigate the question as to whether this state shall be represented at and participate in the said Jamestown Ter-Centennial Exposition. In case such representation shall be decided upon the said committee shall further investigate the manner in which the state of Wisconsin can most appropriately be represented at said exposition and make recommendations to the next session of the legislature as to the character and cost of making such representation in such a manner as shall be in keeping with the dignity and honor of this state and the importance of the event to be commenorated. Said committee, when appointed, shall meet at the capitol not later than June 10, 1905, for the purpose of organization and the election of its chairman and at such other time and place as they themselves may designate. The appointment of this committee shall not commit the state of Wisconsin either for or against participation in said Jamestown exposition, nor shall any expense or charge of any kind or nature be incurred to the state by reason of the appointment of such committee.

[No. 45, A.]

JOINT RESOLUTION NO. 14.

To amend section 10 article 5 of the constitution relating to the approval of bills by the governor.

Resolved by the assembly, the senate concurring, That section 10 of article 5 of the constitution be amended by striking out the word "three" in line thirteen and inserting in lieu thereof the word "six" so that when so amended said section shall read as follows:

SECTION 10. Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

[No. 16, A.]

JOINT RESOLUTION NO. 15.

Providing for an amendment to section 1 of article 3 of the constitution, relating to electors.

Resolved by the assembly, the senate concurring, That subsection 2 of section 1 of article 3, of the constitution of the state

of Wisconsin, be amended so as to read as follows: 2. Persons of foreign birth who, prior to the first day of December, A. D. 1908, shall have declared their intentions to become citizens conformable to the laws of the United States on the subject of naturalization, provided that the rights hereby granted to such persons shall cease on the first day of December, A. D. 1912.

[No. 73, A.]

JOINT RESOLUTION NO. 16.

On the life and services of the late Hon. A. R. Hall.

In His widom, the Supreme Ruler of the universe on June 2nd, 1905, removed from the sphere of human activity and usefulness, Albert R. Hall, a leading citizen of Wisconsin, preeminently a defender and advocate of government, by the people, and in his life an exemplar of civic honor and virtue.

He was a member of the Wisconsin legislature five consecutive terms. The earnestness and consistency with which he labored for the improvement of government in this common wealth, the influence which he exerted in advancing and directing policies which have been wrought into the constitution, and the law, making it fitting that a tribute to his memory be entered in the permanent records of this state.

Albert R. Hall was born at Hartford, Windsor county, Vermont, May 20th, 1841; removed with his parents to Boston four years later; attended the public schools of Boston until 1856, when the family removed to Minnesota.

He enlisted in Company D, Second Regiment, Minnesota Infantry, Volunteers, June 21st, 1861; was promoted to corporal and first sergeant; was wounded at the battle of Chicamauga; was mustered out July 4th, 1864 on completion of his three years' term of service; re-enlisted and was commissioned first lieutenant of Company G, Eleventh Regiment Minnesota Infantry Volunteers. He was mustered out with his regiment June 26, 1865, and returned to Minnesota. Mr. Hall's disinterested concern in public affairs was recognized by his neighbors who elected him to several local offices and finally to the

house of representatives of the Minnesota legislature, where he served seven successive terms, in three of which he was speaker of that body.

He removed to Knapp, Dunn county, Wisconsin, in 1880, and soon gained the confidence and esteem of his new neighbors, was chosen to serve in local public offices. He was elected to the assembly from Dunn county in 1890; re-elected in 1892, 1894, 1896, 1898 and 1900, when he retired to his farm in Knapp, Dunn county, where he remained until his death.

Albert R. Hall, early in his legislative career in this state, realized the injustice of the system under which the railroads and other public service corporations were taxed, the right and duty of the state to control transportation charges, and the necessity for the people to make direct nominations. Although he did not, as a legislator, participate in framing the statute which created the railway rate commission, or that which established the principle of primary elections, no tribute to his memory could be adequate which did not recognize and acknowledge the influence he exerted in directing attention to and in moulding public opinion favorable to these two principles now recognized in the law of the state.

He represented, in the highest degree, the American ideal of citizenship. In the sphere of his influence which came to include the entire state he led men to cleaner views and loftier conceptions of the duties of citizenship. He possessed absolute faith in the ultimate judgment of the people. The amendment to the constitution, prohibiting the granting of free transportation and other favors by public service corporations to public officials and the statute establishing a more just and equitable system of taxation for railroad corporations, stand as monuments to that faith and to his wisdom as a legislator.

Albert R. Hall had untiring industry, tenacity of purpose, and sublime courage. "He feared nothing except to do wrong." He never swerved from the path of duty. The public welfare was ever uppermost with him. He served the people—not self. Chivalrous to his opponents, considerate of all, he was unyielding in principle. In view of his distinguished services and of the universal love and esteem in which he was held by the citizens of this state;

Be it resolved by the assembly, the senate concurring, That in the death of Albert R. Hall, we deeply feel the loss to the state of an honest and patriotic citizen, the best years of whose life were given to the preservation of the nation, and the development of our industrial and commercial life, whose noble record

should serve as an inspiration worthy of emulation, and whose memory should be forever revered by all friends of representative government.

Resolved further, That the sympathy and condolence of this legislature are extended to the members of his family in the personal loss they have sustained.

Resolved further, That these resolutions be properly engrossed and that one copy be sent to the family and another be framed and hung in the assembly chamber.

CERTIFICATE.

STATE OF WISCONSIN,
Department of State.

I, W. L. Houser, Secretary of State of the State of Wisconsin, do hereby certify that the foregoing copies of laws, memorials and joint resolutions passed by the legislature at the spring session of 1905 have been compared by me with the original enrolled acts, memorials and joint resolutions, deposited in this office, and that they appear correctly printed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of Madison, this 24th day of August, A. D. 1905.

[L. S.]

W. L. HOUSER,
Secretary of State.

CERTIFICATES OF RESULTS OF ELECTIONS.

ON AMENDMENTS TO THE CONSTITUTION AND THE PRIMARY ELECTION LAW.

No. 1.

Amendment to Article XIII of the Constitution of the State of Wisconsin.

Section 11. No person, association, co-partnership, or corporation, shall promise, offer, or give, for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

No political committee, and no member or employee thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, co-partnership, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication.

Any violation of any of the above provisions shall be bribery and punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant.

No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution

or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

The railroad commissioner and his deputy in the discharge of duty are excepted from the provisions of this amendment.

STATE OF WISCONSIN, } ss.
Department of State.

I, W. L. HOUSER, Secretary of State, of the State of Wisconsin, do hereby certify that the foregoing amendment to Article XIII, of the Constitution of the State of Wisconsin, was duly ratified and adopted by the people, at a general election, held on the Tuesday succeeding the first Monday of November, A. D. 1902, as appears from the determination and certificate of the State Board of Canvassers, now of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State, at the Capitol, in the City of Madison, this 28th day of January, A. D. 1904.

(SEAL)

W. L. HOUSER,
Secretary of State.

No. 2.

Amendment to Article XI of the Constitution of the State of Wisconsin.

Section 4. The legislature shall have power to enact a general banking law for the creation of banks, and for the regulation and supervision of the banking business, provided that the vote of two-thirds of all the members elected to each house, to be taken by yeas and nays, be in favor of the passage of such law.

STATE OF WISCONSIN, } ss.
Department of State

I, W. L. HOUSER, Secretary of State, of the State of Wisconsin, do hereby certify that the foregoing amendment to Article XI, of the Constitution of the State of Wisconsin, was duly ratified and adopted by the people, at a general election, held on the Tuesday succeeding the first Monday of November, A. D. 1902,

as appears from the determination and certificate of the State Board of Canvassers, now of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State, at the Capitol, in the city of Madison, this 28th day of January, A. D. 1904.

(SEAL)

W. L. HOUSER,
Secretary of State.

No. 3.

Amendment to Section 1 of Article X of the Constitution of the State of Wisconsin.

Section 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the Supreme Court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.

STATE OF WISCONSIN, }
Department of State. } ss.

I, W. L. HOUSER, Secretary of State, of the State of Wisconsin, do hereby certify that the foregoing amendment to Section 1, of Article X, of the Constitution of the State of Wisconsin, was duly ratified and adopted by the people, at a general election, held on the Tuesday succeeding the first Monday of November, A. D. 1902, as appears from the determination and cer-

tificate of the State Board of Canvassers, now of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Madison, this 28th day of January, A. D. 1904.

(SEAL)

W. L. HOUSER,
Secretary of State.

No. 4.

Amendment to Section 1, of Article VII of the Constitution of the State of Wisconsin.

Section 1. The chief justice and associate justices of the Supreme Court shall be severally known as justices of said court, with the same terms of office of ten years respectively as now provided. The Supreme Court shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.

STATE OF WISCONSIN, }
Department of State. } ss.

I, W. L. HOUSER, Secretary of State, of the State of Wisconsin, do hereby certify that the foregoing amendment to Section 1 ,of Article VII of the Constitution of the State of Wisconsin, was duly ratified and adopted by the people at a judicial election held on the first Tuesday in April, A. D. 1903, as appears from the determination and certificate of the State Board of Canvassers, now of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State, at the Capitol in the City of Madison, this 28th day of January, A. D. 1904.

(SEAL)

W. L. HOUSER,
Secretary of State.

No. 5.

TATE OF WISCONSIN, }
Department of State. } ss.

I, W. L. HOUSER, Secretary of State of the State of Wiscon-
n, do hereby certify that chapter 451, of the laws of 1903, which
as submitted to a vote of the people at a general election held
ı the Tuesday succeeding the first Monday of November, A. D.
)04, pursuant to the provisions of section 26 of said act, was
ıly ratified and adopted by the people at said election as ap-
ears from the determination and certificate of the state board
canvassers now of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State, at the Capitol, in the City of Madison, this 24th day of August, A. D. 1905.

(SEAL)

W. L. HOUSER,
Secretary of State.

WISCONSIN COURTS.

SUPREME COURT OF WISCONSIN.

Name.	Title of Office.	Salary.	Term expires.
JOHN B. CASSODAY	Chief Justice	$5,000	Jan., 19[illegible]
JOHN B. WINSLOW	Justice	5,000	Jan., 19[illegible]
ROUJET D. MARSHALL	Justice	5,000	Jan., 19[illegible]
JOSHUA E. DODGE	Justice	6,000	Jan., 19[illegible]
ROBERT G. SIEBECKER	Justice	6,000	Jan., 19[illegible]
JAMES C. KERWIN	Justice	6,000	Jan., 19[illegible]

Terms of Court at Madison.

JANUARY TERM—Tuesday preceding second Wednesday in January.
AUGUST TERM—Second Tuesday in August.

SUPERIOR COURTS.

JUDGE—J. C. LUDWIG.

Term ends first Monday of January, 1906.

COUNTY.	TERMS.	WHERE HELD.	LAWS.
Milwaukee	First Monday of January	Milwaukee	Ch. 22, 1899.
	First Monday of April	Milwaukee	Ch. 22, 1899.
	Second Monday of September	Milwaukee	Ch. 22, 1899.

Said superior court on and after the first Monday in May, 1903, shall be presided over by but one judge. *Sec. 2, Chap. 1, Laws of 1903.*

On and after the first Monday in January, A. D. 1906, the superior court for Milwaukee county shall cease to exist. *Sec. 6, Ch. 1, Laws of 1903.*

JUDGE—CHARLES SMITH.

Term ends first Monday of January, 1911.

COUNTY.	TERMS.	WHERE HELD.	LAWS.
Douglas	First Tuesday of January	Superior	Ch. 112, 1897.
	First Tuesday of April	Superior	Ch. 112, 1897.
	First Tuesday of September	Superior	Ch. 112, 1897.

JUDGE—A. A. HELM.

Term ends first Monday of May, 1907.

COUNTY.	TERMS.	WHERE HELD.	LAWS.
Lincoln	*	Merrill	Ch. 295, L. 1905.

* There shall be held at least one regular term of said court each year, and the time of holding the same shall be fixed by the judge as soon after the passage and publication of this act as practicable, and the term so fixed shall continue to the next regular term unless adjourned by the judge. *Sec. 17, Chap. 295, Laws of 1905.*

WISCONSIN CIRCUIT COURTS.

TEMENT showing the Names and Postoffice Address of the Circuit Judges, and imes and Places for holding Circuit Courts in the several counties in Wisconsin.

Salary of the Circuit Judges, $3,600 per annum, and $100 for expenses.*

he judge of any circuit may, by an order entered and recorded in the clerk's office, oint not to exceed two extra terms of court, to be held in any county in his circuit, n he shall deem it necessary during any one year, and may or may not, in his discre-, cause jurors therefor to be drawn and summoned as for other terms. At such extra ms the same business may be transacted as at regular term for such county. *Sec. 4, W. S. 1898.*

Every term in any county in each circuit shall be a special term for the whole circuit ess the court, by order filed in the clerk's office at least twelve days before any such m, shall otherwise order as to such county. *Sec. 2424, W. S. of 1898, as amended by c. 32, Ch. 351, L. 1899.*

The judges of the circuit courts for terms hereafter to commence shall receive as sal- in addition to the amount now received the sum of $600 per annum. *Ch. 520, laws of 5.*

FIRST CIRCUIT.

JUDGE—E. B. BELDEN, RACINE.

Term ends on the day preceding the first Monday in January, 1908.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
alworth.....	3d Monday in February..... 1st Monday in June..... 1st Monday in October.....	Elkhorn.....	Sec. 2424, W. S. 1898.
acine.....	2d Monday in April..... 4th Monday in June..... 2d Monday in November ...	Racine.....	Sec. 2424, W. S. 1898.
enosha	2d Monday in March..... 2d Monday in June..... 2d Monday in September....	Kenosha	Sec. 2424, W. S. 1898.

No jury shall be summoned for either of the terms to be held in the month of June. ec. 2424, W. S. 1898.

SECOND CIRCUIT.

BRANCH No 1. JUDGE—L. W. HALSEY, MILWAUKEE.

Term ends on the day preceding the first Monday of January, 1906.

BRANCH No. 2. JUDGE—W. D. TARRANT, MILWAUKEE.

Term ends on the day preceding the first Monday of January, 1906.

*BRANCH No. 3. JUDGE—ORIN T. WILLIAMS, MILWAUKEE.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Milwaukee...	1st Monday in January..... 1st Monday in April .. .... 1st Monday in July..... 1st Monday in October	Milwaukee.....	Sec. 2424, W. S. 1898.

A jury shall be summoned for the first day of each of said terms unless it is otherwise ordered by the court. *Sec. 2424 W. S. 1898.*

*Additional circuit judge authorized by chapter 2, laws of 1903.

THIRD CIRCUIT.

JUDGE—GEO. W. BURNELL, OSHKOSH.

Term ends on the day preceding the first Monday of January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Calumet.....	2d Monday in March..... 1st Monday in October.....	Chilton.....	Ch. 6, L. 1905.
Winnebago....	2d Monday in September .. 2d Monday in January..... 2d Monday in April	Oshkosh.....	Ch. 6, L. 1905.
	SPECIAL TERM.		
Winnebago*...	2d Monday in June.....	Oshkosh..	Ch. 6, L. 1905.

* No jury shall be drawn for such special term.

FOURTH CIRCUIT.

JUDGE—MICHAEL KIRWAN, MANITOWOC.

Term ends on the day preceding the first Monday of January, 1911.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Sheboygan....	2d Monday in April.. ..... 3d Monday in September....	Sheboygan.....	Ch. 6, L 1905.
Manitowoc....	1st Tuesday after 2d Monday January..... 1st Tuesday after 1st Monday in June.....	Manitowoc.....	Ch. 6, L. 1905.
Kewaunee.....	2d Monday in May..... ... 3d Monday in October.....	Kewaunee.....	Ch. 6, L. 1905.

FIFTH CIRCUIT.

JUDGE—GEORGE CLEMENTSON, LANCASTER.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
ant	3d Monday in February..... 2d Monday in October.....	Lancaster	Ch. 6 and 7, L. 1905.
wa	4th Monday in March ..... 4th Monday in September...	Dodgeville.....	Ch 6 and 7, L. 1905.
fayette.....	1st Monday in June.. ..... 1st Monday in December....	Darlington	Ch 6 and 7, L. 1905.
chland	2d Tuesday in April .. .. 2d Tuesday in September ...	Richland Center.	Ch. 6 and 7, L. 1905.
awford	2d Tuesday before the 1st Monday in June..... 2d Tuesday in November ...	Prairie du Chien.	Ch. 6 and 7, L. 1905.

SIXTH CIRCUIT.

*JUDGE—J. J. FRUIT, LA CROSSE.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
a Crosse.....	2d Tuesday in January..... 1st Tuesday in May..... 2d Tuesday in September....	La Crosse	Sec. 2424, W. S. 1898.
onroe	3d Tuesday in March ..... 1st Tuesday in October..	Sparta	Sec. 2424, W. S. 1898.
empealeau..	1st Tuesday in March ..... 3d Tuesday in October	Whitehall.....	Sec. 2424, W. S. 1898.
ernon.....	2d Tuesday in June..... 2d Tuesday in December....	Viroqua.....	Sec. 2424, W. S. 1898.
ineau..	2d Tuesday in April ..... 3d Tuesday in November....	Mauston	Sec. 2424, W. S. 1898.

*Appointed to succeed Orvis B. Wyman, deceased.

SEVENTH CIRCUIT.

JUDGE—CHARLES M. WEBB, GRAND RAPIDS.

Term ends on the day preceding the first Monday in January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Adams	2d Monday in June 3d Tuesday in December	Friendship	Ch. 6, L. 1905.
Portage	4th Monday in March 3d Monday in November	Stevens Point	Ch. 6, L. 1905.
Waupaca	1st Monday in March 4th Monday in October	Waupaca	Ch. 6, L. 1905.
Waushara	Last Monday in April 3d Monday in September	Wautoma	Ch. 6, L. 1905.
Wood	2d Monday in May 1st Monday in October	Grand Rapids	Ch. 6, L. 1905.

EIGHTH CIRCUIT.

JUDGE—EUGENE W. HELMS, HUDSON.

Term ends on the day preceding the first Monday in January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Buffalo	3d Monday in February 4th Monday in October	Alma	Sec. 1, ch. 133, 1901
Dunn	2d Monday in March 2d Monday in September	Menominee	Sec. 1, ch. 133, 1901
Pepin	3d Monday in April 3d Monday in October	Durand	Sec. 1, ch. 133, 1901
Pierce	2d Monday in May 3d Monday in November	Ellsworth	Sec. 1, ch. 395, 1901
St. Croix	4th Monday in March 4th Monday in September	Hudson	Sec. 1, ch. 133, 1901

The judge of said circuit may appoint, by order to be filed in the office of the clerk of the circuit court for each county therein, four special terms in each year at such times and places as he shall deem necessary and proper. Said order shall be filed at least four weeks before the time therein appointed for holding any such term, and the time of holding the same may be changed in like manner. At terms so appointed and held any and all business except the trial of issue of fact by a jury may be transacted. *Sec. 2474, W. S. 1898.*

NINTH CIRCUIT.

JUDGE—E. RAY STEVENS—MADISON.

Term ends on the day preceding the first Monday of January, 1909.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Dane*	2d Monday in January 3d Monday in March 3d Monday in May 2d Monday in October	Madison	Sec. 2424, W. S. 1898.
Sauk	3d Tuesday in April 2d Tuesday in September 1st Tuesday in December	Baraboo	Sec. 2424, W. S. 1898.

*No jury shall be summoned for the term in March. *Ch. 224, L. 1905.*

TENTH CIRCUIT.

JUDGE—JOHN GOODLAND, APPLETON.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Florence	2d Tuesday in April 2d Tuesday in October	Florence	Ch. 316, L. 1905.
Forest	3d Tuesday in April 3d Tuesday in October	Crandon	Ch. 316, L. 1905.
Langlade	1st Monday in May 2d Monday in November	Antigo	Ch. 316, L. 1905.
Outagamie	1st Monday in March 3d Monday in September	Appleton	Ch. 316, L. 1905.
Shawano	3d Monday in May 1st Monday in December	Shawano	Ch. 316, L. 1905.

ELEVENTH CIRCUIT.

JUDGE—AAD J. VINJE, SUPERIOR.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Barron.....	2d Tuesday in April ..... 4th Tuesday in September ..	Barron	Sec 2424, W. S. 1898
Burnett	1st Tuesday in March ..... 3d Tuesday in September....	Grantsburg	Sec. 2424, W. S. 1898
Chippewa.....	1st Tuesday in May..... 2d Tuesday in October	Chippewa Falls .	Sec. 2424, W. S. 1898
Douglas	1st Tuesday in February .... 1st Tuesday in June .... 2d Tuesday in November....	Superior	Sec. 2424, W. S. 1898
Polk	2d Tuesday in March.... .. 1st Tuesday in September...	Balsam Lake.....	Sec. 2424, W. S. 1898
Washburn	4th Tuesday in March..... 4th Tuesday in August	Shell Lake ...	Sec. 2424, W. S 1898.

TWELFTH CIRCUIT.

JUDGE—BENJAMIN F. DUNWIDDIE, JANESVILLE.

Term ends on the day preceding the first Monday of January, 1907.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Rock	4th Monday in February .... 1st Monday in June .... 3d Monday in November....	Janesville	Ch. 224, L. 1905.
Green	4th Monday in March ..... 4th Monday in June. ..... 3d Monday in October.....	Monroe	Ch. 224, L. 1905.
Jefferson.....	1st Monday in February..... 2d Monday in June..... 3d Monday in September....	Jefferson.....	Ch. 224, L. 1905.

No jury shall be summoned for either of the terms to be held in June. *Ch. 224, L. 1905.*

THIRTEENTH CIRCUIT.

JUDGE—JAMES J. DICK, BEAVER DAM.

Term ends on the day preceding the first Monday of January, 1906.

NTIES.	TERMS.	WHERE HELD.	LAWS.
e.....	4th Tuesday in September .. 2d Tuesday in February.....	Juneau	Sec. 2424, W. S. 1898.
kee	1st Tuesday in September... 1st Tuesday in March.....	Port Washington	Sec. 2424, W. S. 1898.
ington ..	3d Tuesday in October..... 3d Tuesday in March.....	West Bend.....	Sec. 2424, W. S. 1898.
kesha*....	1st Tuesday in December.... 1st Monday in May ... . 4th Tuesday in August (special) ..... 1st Tuesday in February ... (special)	Waukesha	Sec. 2424, W. S. 1898.

o jury shall be summoned for the special terms. *Sec. 2424, W. S. 1898.*
any general or special term any and all business may be done arising or pending
ny county in said circuit which might be done at a general term in the several
ties except the trial of issues of fact by a jury. *Sec. 2424, W. S. 1898.*

FOURTEENTH CIRCUIT.

JUDGE—SAMUEL D. HASTINGS, JR., GREEN BAY.

Term ends on the day preceding the first Monday of January, 1908.

CNTIES.	TERMS.	WHERE HELD.	LAWS.
rn	Last Monday in November.. 1st Monday in March..... 1st Monday in June	Green Bay	Ch. 6, L. 1905.
.....	1st Tuesday in February ... 1st Tuesday after 1st Monday in September.....	Sturgeon Bay....	Ch. 6, L. 1905.
inette.....	1st Monday in October ..... 2d Monday in January ..... 1st Monday in May.....	Marinette...	Ch. 6, L. 1905.
nto	2d Monday in April..... 2d Monday in November ..	Oconto	Ch. 6, L. 1905.

FIFTEENTH CIRCUIT.

JUDGE—J. K. PARISH, ASHLAND.

Term ends on the day preceding the first Monday of January, 1906.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Ashland.....	2d Monday in April.. ..... 3d Monday in September....	Ashland.....	Ch. 224, L. 190[illegible].
Bayfield.....	2d Monday in May..... .. 3d Monday in October.....	Washburn.... ..	Ch. 224, L. 190[illegible].
Rusk	1st Tuesday after July 4th. 2d Monday in December. ...	Ladysmith.	Ch. 224, L. 190[illegible]
Iron.....	2d Monday in June ..... 1st Wednesday in November	Hurley	Ch. 224, L. 190[illegible]
Price.....	1st Tuesday after 1st Monday in January..... 1st Wednesday after the 3d Monday in June.....	Phillips.....	Ch. 224, L. 1905
Sawyer.....	1st Monday in June ..... 3d Monday in November	Hayward..... ..	Ch. 224, L. 190[illegible]
Taylor.....	Last Monday in March..... 1st Tuesday in September...	Medford.....	Ch. 224, L. 190[illegible].

SIXTEENTH CIRCUIT.

JUDGE—W. C. SILVERTHORN, WAUSAU.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Lincol	1st Monda in October... ... 1st Monday after 1st Tuesday in April....	Merrill.....	Sec. 1, ch. 2, L. 1[illegible]
Marathon.....	2d Monday in February. ... 2d Monday in September ...	Wausau..... ...	Sec. 1, ch. 2 L. 1[illegible]
Oneida..... ..	1st Monday in May..... ... 2d Monday n November. .	Rhinelander.....	Sec. 1, ch. 2, L. 1[illegible]
Vilas	4th Monday in May..... 1st Monday in December ...	Eagle River.....	Sec. 1, ch. 2. . 1[illegible]

Every general term of the circuit in each of the counties as herein provided for shall be a special term of the circuit court for each of the other counties in said circuit, and any and all business arising and pending, or which may arise or be pending in any of the counties in said circuit, except the trial of issues of fact by a jury, may be brought and heard and determined or disposed of judicially, at any of such special terms. *Sec. 3, Ch. 2, L. of 1901*

Section 3. All writs and every summons, process, recognizance, information, motion and proceeding or requirements of every kind and nature, in the circuit court of any of the said counties to be heard or made returnable on the first day of any term of such in said counties, as now fixed by law, and up to the time of the passage of this act, shall be considered and held to be returnable and to be heard and determined as of the next term of court, as herein fixed, the same as of the term or terms heretofore fixed. *Sec. 3, ch. 2, L. 1901.*

SEVENTEENTH CIRCUIT.

JUDGE—JAMES O'NEILL, NEILLSVILLE.

Term ends on the day preceding the first Monday of January, 1910.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
ark	3d Monday in April..... ... 4th Monday in November ...	Neillsville	Ch. 6, L 1905.
ıu Claire*...	3d Monday in March ..... 3d Monday in September....	Eau Claire.... ..	Ch. 6, L. 1905.
ıckson.....	1st Monday in March ..... 2d Monday in October.	Black River Falls	Ch. 6, L. 1905.

EIGHTEENTH CIRCUIT.

JUDGE—CHESTER A. FOWLER, PORTAGE.

Term ends on the day preceding the first Monday of January, 1912.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
'ond du Lac*.	2d Tuesday in February..... 1st Tuesday in May..... 2d Tuesday in September ... 1st Tuesday after 2d Monday in November.....	Fond du Lac...	Ch. 6, L. 1905.
Jreen Lake...	1st Tuesday after 3d Monday in January. ... . 1st Tuesday after 3d Monday in June	Dartford.....	Ch. 6, L. 1905.
Marquette	2d Tuesday in April . ..... 2d Tuesday in October	Montello.....	Ch. 6, L. 1905.
Columbia*	1st Tuesday in March . ..... 1st Tuesday in June..... 1st Tuesday in December....	Portage...	Ch. 6, L. 1905.

*No jury shall be summoned for the terms appointed for February and September in Fond du Lac county and for June in Columbia county, unless specially ordered by the presiding judge. *Sec. 6, Ch. 6, L. 1905.*

CIRCUIT COURT REPORTERS.

No. of circuit.	Name.	P. O. address.
1	Charles H. Welch	Milwaukee
2	H. D. Goodwin, for Judge Warren D. Tarrant	Milwaukee.
2	Richard Burke, for Judge L. W. Halsey	Milwaukee
2	Chester G. Porter, for Judge Orren T. Williams	Wauwatosa
3	William C Kimball	Oshkosh.
4	H. A. Bush	Fond du Lac
5	Charles Orton	Lancaster.
6	Alfred Harrison	La Crosse
7	R W. Morse	Grand Rapids
8	Charles A. Cross	Hudson.
9	Edward H. Smith	Madison.
10	F. S. Bradford	Appleton
11	James R. Hile	Superior.
12	F. C. Grant	Janesville.
13	J. H Sawyer	Beaver Dam
14	James T Parkes	Green Bay
15	E. A. Strong	Ashland.
16	George Hart	Wausau
17	Charles W. Fiske	Eau Claire
18		

CIRCUIT COURT COMMISSIONERS.

In the several counties, appointed by the Circuit judges, as reported by the clerks of the Circuit Courts, July 1st, 1905. The county judges of all counties also have the powers of court commissioners.

ADAMS COUNTY.

George W. Waterman .....Friendship
C. R. Sicles .....Friendship
L. A. Wightman .....Friendship

ASHLAND COUNTY.

Charles Brisley .....Ashland
W. S. Cate .....Ashland
G. N. Risjord .....Ashland
Ben. S. Smith .....Ashland
W. Stanley Smith .....Glidden
H. E. Edwards .....Mellen

BARRON COUNTY.

Fred B. Kinsley .....Barron
James Robbins .....Rice Lake
L. L. Constance .....Rice Lake

BAYFIELD COUNTY.

D. M. Maxey .....Washburn
Nels M. Oscar .....Washburn
O. Flanders .....Bayfield
Geo. Ripley .....Iron River
Arthur M. Mead .....Iron River

BROWN COUNTY.

G. E. Matile .....Green Bay
C. W. Lomas .....Green Bay
John F. Watermolen .....Green Bay
John Smith .....De Pere

BUFFALO COUNTY.

J. W. Whelan .....Mondovi
P. H. Urness .....Mondovi
Theo. Buehler .....Alma
E. F. Ganz .....Alma
M. L. Fugina .....Fountain City

BURNETT COUNTY.

F. O. Olsen .....Grantsburg

CALUMET COUNTY.

James Kirwan .....Chilton
Samuel H. Barnard .....Brillion

CHIPPEWA COUNTY.

L. J. Rusk .....Chippewa Falls
Arthur Gough .....Chippewa Falls
F. W. Jenkins .....Chippewa Falls

CIRCUIT COURT COMMISSIONERS—Continued.

CLARK COUNTY.

R. F. Kountz .....Neillsville
Charles F. Grow .....Neillsville
J. R. Studevant .....Neillsville
D. R. Freeman .....Colby
Emery W. Crosby .....Abbotsford
George Burke .....Thorp

COLUMBIA COUNTY.

Chas. L. Dering .....Portage
J. H. Rogers .....Portage
S. H. Watson .....Lodi
H. R. Cook .....Columbus
G. C. Grisim .....Columbus
N. E. Van Dyke .....Kilbourn

CRAWFORD COUNTY.

Wm. H. Evans .....Prairie du Chien
J. N. East .....Belle Center
N. O. Peterson .....Soldiers Grove
Alexander Athey .....Prairie du Chien
J. S. Earll .....Prairie du Chien

DANE COUNTY.

C. E. Buell .....Madison
Chas. N. Brown .....Madison
Rufus B. Smith .....Madison
Herman Pfund .....Madison
J. C. Harper .....Madison
Harry L. Butler .....Madison

DODGE COUNTY.

Edward D. Doney .....Waupun
Geo. W. Morse .....Waupun
F. M. Lawrence .....Mayville
Silas W. Lamoreux .....Beaver Dam
Chas. A. Kading .....Watertown

DOOR COUNTY.

G. W. Allen .....Sturgeon Bay
C. A. Masse .....Sturgeon Bay

DOUGLAS COUNTY.

George B. Hudnall ..Superior (Sta. A.)
Philip H. Perkins .....Superior
W. E. Pickering ....Superior (Sta. A.)
C. R. Fridley .....Superior
George C. Cooper .....Superior

DUNN COUNTY.

P. B. Clark .....Menomonie
J. R. Mathews .....Menomonie
J. C. Ticknor .....Menomonie
George Shafer .....Menomonie
J. E. Florin .....Menomonie

EAU CLAIRE COUNTY.

W. W. Johnston .....Augusta
M. B. Hubbard .....Eau Claire
Alexander Meggett .....Eau Claire
George C. Teall .....Eau Claire
R. D. Whitford .....Eau Claire
A. H. Shoemaker .....Eau Claire

FLORENCE COUNTY.

E. W. Hopkins .....Commonwealth
C. C. Olin .....Florence
W. C. Haberkorn .....Florence
J. E. Parry .....Florence

FOND DU LAC COUNTY.

J. G. Hardgrove .....Fond du Lac
J. M. Gooding .....Fond du Lac
D. D. Sutherland .....Fond du Lac
W. E. Griswold .....Fond du Lac
James Murray .....Waupun
A. E. Dunlap .....Ripon

FOREST COUNTY.

John Masbaum .....North Crandon
John F. Hooper .....Crandon
Paul W. Rehfeld .....Niles
P. Shay .....Armstrong Creek
J. J. Martin .....Laona

GRANT COUNTY.

W. J. Brennan .....Lancaster
Herman Buchner .....Lancaster
J. W. Murphy .....Platteville
W. H. Beebe.....Platteville
W. E. Howe .....Boscobel
W. W. Gilman .....Boscobel

GREEN COUNTY.

Thomas Luchsinger .....Monroe
H. N. B. Caradine .....Monroe
William T. Saucerman .....Monroe
John Luchsinger .....Monroe
C. W. Carpenter .....Monroe

GREEN LAKE COUNTY.

Fred Engelbracht, Jr. .....Berlin
Perry Niskern .....Berlin
W. E. Cavanaugh .....Berlin
John J. Wood, Jr. .....Berlin

IOWA COUNTY.

J. P. Smelker .....Dodgeville
Richard Carter .....Dodgeville
J. J. Hoskins .....Dodgeville
Calvert Spencley .....Mineral Point
Ernest C. Fiedler .....Mineral Point
J. B. Reynolds .....Mineral Point

IRON COUNTY.

Daniel Reed .....Hurley
J. B. Anderson .....Upson
Simon J. McNally .....Hurley
J. A. Chiono .....Hurley
Paul H. Sanborn .....Hurley

JACKSON COUNTY.

Frank Johnson .....Black River Falls
Chas. F. Hille .....Black River Falls
F. J. Reichenach ....Black River Falls
R. A. Jones .....Black River Falls
Edwin Pierce .....Merrillan

CIRCUIT COURT COMMISSIONERS—Continued.

JEFFERSON COUNTY.

W. H. Porter .....Jefferson
E. A. Wigdale .....Ft. Atkinson
O. C. Hann .....Watertown
Chas. A. Skinner .....Watertown
Ray C. Twining .....Waterloo

JUNEAU COUNTY.

H. W. Barney .....Mauston
A. D. Gill .....Mauston
Geo. S. Grubb .....Mauston
T. K. Dunn .....Elroy
J. J. Hughes .....New Lisbon
N. M. Hess .....New Lisbon

KENOSHA COUNTY.

C. H. Buckman .....Salem
C. E. Williams .....Bristol
Wm. W. Strong .....Kenosha

KEWAUNEE COUNTY.

M. T. Parker .....Algoma
J. H. McGowan .....Algoma
A. D. Laughlin .....Kewaunee
Geo. W. Wing .....Kewaunee
L. Albert Karel .....Kewaunee
Jas. F. Valecka .....Kewaunee
E. Decker .....Casco

LA CROSSE COUNTY.

G. C. Prentiss .....La Crosse
A. Harrison .....La Crosse
C. L. Hood .....La Crosse
P. W. Mahoney .....La Crosse
T. J. Widvey .....La Crosse

LA FAYETTE COUNTY.

G. A. Marshall .....Darlington
P. H. Conley .....Darlington
J. H. Clary .....Darlington
H. C. Martin .....Darlington
M. A. O'Brien .....Shullsburg

LANGLADE COUNTY.

O. H. Foster .....Antigo
W. F. White .....Antigo
C. Werden Deane .....Antigo
T. W. Hogan .....Antigo
Geo. W. Latta .....Antigo

LINCOLN COUNTY.

A. A. Helms .....Merrill
T. J. Mathews .....Merrill
Thomas H. Ryan .....Merrill
R. E. Smith .....Merrill
James O'Leary .....Tomahawk

MANITOWOC COUNTY.

J. S. Anderson .....Manitowoc
John Chloupek .....Manitowoc
R. W. Burke .....Manitowoc
H. L. Markham .....Manitowoc
L. J. Nash .....Manitowoc
G. G. Sedgwick .....Manitowoc
W. J. Wrieth .....Two Rivers

MARATHON COUNTY.

C. L. Warren .....Wausau
T. C. Ryan .....Wausau
O. L. Ringle .....Wausau
F. P. Regner .....Wausau
M. B. Rosenberry .....Wausau

MARINETTE COUNTY.

H. M. Bird .....Marinette
Amos Holgate .....Marinette
H. T. Scudder .....Marinette
Thos. Butler .....Wausauke
R. H. Goldman .....Marinette
E. C. Tillotson .....Marinette

MARQUETTE COUNTY.

F. J. Dodge .....Montello
John Barry .....Montello
D. W. McNamera .....Montello
C. C. Mills .....Westfield
S. G. Mills .....Endeavor

MILWAUKEE COUNTY.

Francis Bloodgood .....Milwaukee
John F. Harper .....Milwaukee
G. W. Hazelton .....Milwaukee
Adolph Kanneberg .....Milwaukee
W. J. McElroy .....Milwaukee
Mrs. Kate Pier .....Milwaukee
Hugh Ryan .....Milwaukee
J. E. Roehr .....Milwaukee
M. M. Kiley .....Milwaukee
Fred Schreiber .....Milwaukee
Gustav Wollaeger, Jr. .....Milwaukee

MONROE COUNTY.

H. C. Spaulding .....Tomah
E. Bartels .....Tomah
Chris. Maxwell .....Tomah
S. W. Button .....Sparta
Ray B. Graves .....Sparta
James J. Bowler .....Sparta

OCONTO COUNTY.

D. G. Classon .....Oconto
Francis X. Morrow .....Oconto
A. Reinhart .....Oconto
A. V. Classon .....Oconto
O. F. Trudell .....Oconto
J. B. Chase .....Oconto
George Crawford .....Gillett

ONEIDA COUNTY.

Levi J. Billings .....Rhinelander
Paul Browne .....Rhinelander
Wm. W. Carr .....Rhinelander
A. W. Shelton .....Rhinelander

OUTAGAMIE COUNTY.

Samuel Boyd .....Appleton
Louis Jacquot .....Hortonville
F. R. Dittmer .....Seymour
Frank W. Harriman .....Appleton
Humphrey Pierce .....Appleton
J. I. Toney .....Kaukauna

CIRCUIT COURT COMMISSIONERS—Continued.

OZAUKEE COUNTY.

ugene S. Turner ....Port Washington
ainar Sauer .....Port Washington
Vm. A. Tholen .....Port Washington

PEPIN COUNTY.

. J. Morgan .....Durand
. M. Hinard .....Durand
. D. Eldridge .....Durand
. V. Hammond .....Durand
red Stahl .....Pepin

PIERCE COUNTY.

V. G. Spence .....Spring Valley
ohn Foley .....Ellsworth
aniel J. Dill .....Prescott
. Cook .....Maiden Rock

POLK COUNTY.

Iarry D. Baker .....St. Croix Falls
V. W. Winchester .....Amery

PORTAGE COUNTY.

. L. Park .....Stevens Point
aniel J. Leahy .....Stevens Point
. F. Groelle .....Stevens Point
. J. Smith .....Amherst
. P. Een .....Amherst

PRICE COUNTY.

. W. Holland .....Park Falls
V. K. Parkinson .....Phillips
. W. Chamberlain .....Phillips
reeman W. Sackett .....Phillips
. D. Myers .....Prentice

RACINE COUNTY.

ohn T. Wentworth .....Racine
. Cary Judd .....Racine
Vm. D. Thompson .....Racine
rancis Reuschlein .....Burlington
ulton Thompson .....Racine
V. W. Rowlands .....Racine

RICHLAND COUNTY.

Iichael Murphy .....Richland Center
ames H. Miner .....Richland Center
. W. Eastland .....Richland Center
eorge Wulfing .....Richland Center
. W. Burnham .....Richland Center
. L. Lincoln .....Richland Center

ROCK COUNTY.

. P. Richardson .....Janesville
. A. Oestrich .....Janesville
d. F. Carpenter .....Janesville
. S. Janes .....Evansville
. P. Towne .....Edgerton
. B. Dow .....Beloit

RUSK COUNTY.

. J. Bischel .....Ladysmith
. W. Fritz .....Ladysmith
. J. Sands .....Ladysmith
. C. Stubbs .....Weyerhauser
lenn H. Williams .....Bruce

ST. CROIX COUNTY.

John W. Bashford .....Hudson
A. Cross .....Hudson
Harry H. Smith .....New Richmond
Henry Anderson .....Baldwin
Herman Johnston .....Glenwood

SAUK COUNTY.

H. F. Halsted .....Baraboo
E. F. Dithmar .....Baraboo
Daniel Ruggles .....Baraboo
W. A. Wyse .....Reedsburg
G. Stevens .....Reedsburg
Thos. W. King .....Reedsburg

SAWYER COUNTY.

H. P. Fuley .....Hayward
Wm. Powers .....Hayward

SHAWANO COUNTY.

H. Klosterman .....Shawano
L. C. Bold .....Shawano
C. F. Dillett .....Shawano
O. Andrews .....Shawano
A. C. Weber .....Shawano
Frank Williams .....Wittenberg
Aug. Nedden .....Tigerton

SHEBOYGAN COUNTY.

A. C. Prescott .....Sheboygan
D. T. Phalen .....Sheboygan
Francis Williams .....Sheboygan
F. H. Dennison .....Sheboygan
H. J. Rooney .....Plymouth
John E. Thomas .....Sheboygan Falls

TAYLOR COUNTY.

G. W. Adams .....Medford
M. A. Buckley .....Medford
J. B. Hagarty .....Medford
T. G. Jeffers .....Medford
Wm. Pringle .....Rib Lake
K. J. Urquhart .....Medford

TREMPEALEAU COUNTY.

W. H. Gibson .....Centerville
James N. Lee .....Osseo
A. A. Arnold .....Galesville
E. S. Hotchkiss .....Independence
George Mathys .....Arcadia

VERNON COUNTY.

Jackson Silbaugh .....Viroqua
C. H. Minshall .....Viroqua
C. M. Butt .....Viroqua
C. M. Butt, Jr. .....Viroqua
Alva F. Drew .....La Farge
Roger Williams .....Hillsboro

VILAS COUNTY.

A. C. Bolger .....Minoqua
Alex Higgins .....Eagle River
Geo. E. O'Connor .....Eagle River
Frank Beadsley .....Eagle River

CIRCUIT COURT COMMISSIONERS—Continued.

WALWORTH COUNTY.

H. W. Weed .....Delavan
E. L. von Suessmilch .....Delavan
A. Clohisy .....Elkhorn
F. H. Kiser .....Whitewater
L. G. Brown .....Lake Geneva
A. M. Kaye .....Lake Geneva

WASHBURN COUNTY.

P. E. Leonard .....Shell Lake
C. W. Haskins .....Spooner

WASHINGTON COUNTY.

C. E. Robinson .....West Bend
Fred H. Haase .....West Bend

WAUKESHA COUNTY.

D. J. Hemlock .....Waukesha
Ernst Merton .....Waukesha
T. W. Parkinson .....Waukesha
A. J. Dopp .....Waukesha
Edwin Hurlbut .....Oconomowoc
Oscar F. Jones .....Oconomowoc

WAUPACA COUNTY.

Jas. McNeil .....Clintonvill
Charles Churchill .....Waupac
Charles A. Holmes .....New Lond
R. F. Taggart .....Weyaun-g

WAUSHARA COUNTY.

W. B. Angelo .....Plainfiel
John H. Thomas .....Berl
Gilbert Tennant .....Wautom
R. W. Hubble .....Wautom
Buchanan Johnson .....Plainfi-l
C. E. Barker .....Plainfie

WINNEBAGO COUNTY.

Silas Bullard .....Menash
Wm. C. Bouch .....Oshkos
John Harrington .....Oshkos
Daniel E. McDonald .....Oshkos
Wesley Mott .....Neenah
W. W. Waterhouse .....Oshkos

WOOD COUNTY.

B. M. Vaughn .....Grand Rapids
D. D. Conway .....Grand Rapids
Richard Wipperman .....Grand Rapids
Dyer W. Hitchcock .....Grand Rapids
E. M. Deming .....Marshfield
R. E. Andrews .....Marshfield

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
5 – 2 5 – 26	Sec 1, ch. 303, 1903.
5 – 9	Ch. 469, 1901.
9	Sec. 1, ch. 398, 1901.
10	Sec. 1, ch. 309, 1901.
11	Ch. 164, 1901.
11*a*–11*i*	Repealed, sec. 12, ch. 341, 1899; (exceptions), sec. 1, ch. 331, 1903
16	Sec. 1, ch. 351, 1899; sec. 1, ch. 333, 1901.
18	Sec. 1, ch. 132, 1903.
20	Sec. 1, ch. 360, 1905.
21	Sec. 1, ch. 96, 1899; sec. 1, ch. 408, 1903; sec. 1, ch. 312, 1905.
23	Sec. 1, ch. 420, 1903.
23*a*	Ch. 454, 1905.
25	Sec. 1, ch. 381, 1903.
26	Ch. 393, 1901.
27	Sec. 1, ch. 52, 1905.
36	Ch. 457, 1901.
37	Sec. 1, ch 349, 1899; sec. 3, ch. 351, 1899; sec. 2, ch. 457, 1901
38	Sec. 2, ch. 349, 1899; sec. 4, ch. 351, 1899; sec. 3, ch. 457, 1901.
40	Sec. 3, ch. 349, 1899; sec. 4, ch. 457, 1901.
41 45	Ch. 522, 1905.
47	Sec. 1, ch. 423, 1903.
47	Sec. 12, ch. 451, 1903.
47—1	Sec. 1, ch. 432, 1905.
47—1	Created, sec. 2, ch. 432, 1905.
49	Sec. 1, ch. 72, 1899; sec. 2, ch. 401, 1901; sec. 1, ch. 251, 1905; sec. 3, ch. 424, 1905.
51	Sec. 4, ch. 349, 1899.
52	Sec. 5, ch. 349, 1899.
57—1	Sec. 6, ch. 349, 1899.
57—3	Sec. 7, ch. 349, 1899.
78	Sec. 1, ch. 148, 1901.
79	Sec. 1, ch. 148, 1901.
80	Sec. 1, ch. 287, 1905.
85	Sec. 1, ch. 3, 1899.
91	Sec. 1, ch. 198, 1903.
91*s*	Sec. 1, ch. 7, 1899; sec. 4, ch. 10, 1903; sec. 1, ch. 91, 1905; sec 1, ch. 301, 1905.
91*t*	Sec. 1, ch. 47, 1899
111*a*	Created, sec. 1, ch. 515, 1905.
112	Sec. 2, ch. 3, 1901; ch. 438, 1901.
119	Sec. 1, ch. 405, 1901.
120	Sec. 2, ch. 405, 1901.
121	Sec. 1, ch. 291, 1899; sec. 1, ch. 334, 1901; sec. 3, ch. 405, 1901.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
140	Sec. 5, ch. 351, 1899.
153	Sec. 1, ch. 101, 1903; ch. 271, 1905.
158	Sec. 1, ch. 400, 1901.
160*a*	Sec. 1, ch. 233, 1903.
160*b*	Sec. 1, ch. 233, 1903.
160*d*	Sec. 1, ch. 233, 1903.
160*e*	Sec. 1, ch. 233, 1903.
160*f*	Sec. 1, ch. 346, 1901.
163	Sec. 1, ch. 94, 1901.
166—9	Sec. 1, ch. 59, 1899.
169*a*	Repealed, sec. 4, ch. 418, 1901.
169*b*	Sec. 1, ch. 290, 1899.
170	Sec. 1, ch. 249, 1899; secs. 1 and 2, ch. 299, 1899; sec. 5, ch 258, 1899; sec. 1, ch. 138, 1901; sec. 1, ch. 158, 1900; sec. 3, ch. 418, 1901; sec. 2, ch. 432, 1901; sec. 1, ch. 327, 1903; sec. 1, ch. 60, 1905; sec. 6, ch. 434, 1905.
171	Sec. 1, ch. 107, 1899.
172	Sec. 6, ch. 351, 1899.
176	Repealed sec. 2, ch. 356, 1899; re-enacted section 1, ch. 41, 1901.
182	Sec. 1, ch. 201, 1905.
186	Sec. 1, ch. 258, 1899; sec. 3, ch. 432, 1901; sec. 1, ch. 354, 1905.
187	Sec. 2, ch. 258, 1899; sec. 4, ch. 432, 1901.
189	Sec. 3, ch. 258, 1899; sec. 5, ch. 432, 1901.
207	Sec. 13, ch. 450, 1903.
208	Sec. 14, ch. 450, 1903.
209	Sec. 15, ch. 450, 1903; sec. 1, ch. 184, 1905.
210	Sec. 16, ch. 450, 1903.
212	Sec. 4, ch. 258, 1899; sec. 6, ch. 432, 1901.
238	Sec. 7, ch. 432, 1901.
258—2	Sec. 1, ch. 129, 1899.
258*a*	Sec. 1, ch. 130, 1899.
258*i*	New section, sec. 2, ch. 130, 1899.
261	Sec. 2, ch. 129, 1899; sec. 1, ch. 123, 1901.
288	Sec. 1, ch. 418, 1901.
289	Sec. 1, ch. 35, 1899.
290	Sec. 1, ch. 21, 1903.
305	Sec. 7, ch. 351, 1899.
316	Sec. 1, ch. 92, 1903; sec. 1, ch. 480, 1905.
317	Sec. 8, ch. 351, 1899; sec. 1, ch. 92, 1903.
317*a*	Created, sec. 2, ch. 480, 1905
319	Sec. 2, ch. 94, 1901; sec. 2, ch. 161, 1901; sec. 1, ch. 342, 1903; sec. 1, ch. 332, 1903.
320*b*	Created, ch. 2, 1905.
335*c*	Ch. 131, 1903; sec. 1, ch. 355, 1903; ch. 65, 1905.
335*d*	Sec. 1, ch. 355, 1903
335*e*	Sec. 1, ch. 314, 1899; ch. 79, 1901; sec. 1, ch. 339, 1901; sec. 1, ch. 39, 1903; ch. 332, 1903; sec. 1, ch. 221, 1905.
341	Sec. 1, ch. 197, 1901; ch. 447, 1901; sec. 1, ch. 337, 1905.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
346	Sec. 1, ch. 226, 1901.
347*b*	Sec. 1, ch. 118, 1901.
351	Sec. 1, ch. 249, 1905.
354	Sec. 1, ch. 342, 1903.
355	Sec. 9, ch. 351, 1899; sec. 1, ch. 334, 1901.
355—3	Created, sec. 10, ch. 351, 1899.
357	Sec. 1, ch. 334, 1901; sec. 2, ch. 249, 1905.
373*c-i*	New sections, ch. 168, 1901.
376-8	Sec. 3, ch, 296, 1899.
378	Sec. 1, ch. 255, 1901; sec. 1, ch. 66, 1903.
379	Sec. 1, ch. 260, 1903.
383*a*	Sec. 2, ch. 260, 1903.
388	Sec. 1, ch. 344, 1901.
389	Sec. 3, ch. 260, 1903.
390	Sec. 1, ch. 170, 1899; sec. 1, ch. 322, 1901; sec. 1, ch. 344, 1903; ch. 320. 1905.
393	Sec. 1, ch. 74, 1899; sec. 1, ch. 260, 1899; sec. 1, ch. 166, 1901; sec. 1, ch. 168, 1905.
395	Sec. 2, ch. 168, 1905.
398	Sec. 3, ch. 168, 1905.
401	Sec. 4, ch. 168, 1905.
406*a*	Sec. 2, ch. 170, 1899. sec 1, ch. 370, 1901; sec. 1, ch. 135, 1903.
408	Sec. 1, ch. 179, 1899; sec. 1, ch. 371, 1901.
413	Sec. 1, ch. 268, 1905.
419	Sec. 1, ch. 266, 1903.
419*a*	Sec. 1, ch. 348, 1901; sec. 1. ch. 218, 1903.
422	Sec. 1, ch. 304, 1901.
428	Sec. 1, ch. 233, 1899.
428*a*	Sec. 2, ch. 233, 1899; sec. 1, ch. 285, 1901.
430—15	Sec. 1, ch. 351, 1901.
430—16	Sec. 2, ch. 351, 1901.
430-20	Created, sec. 1, ch. 54, 1905.
430*i*	Sec. 3. ch. 439, 1903.
430*c*	Created, sec. 1. ch. 298, 1899.
430*d*	Sec. 2, ch. 298. 1899.
439*a*	Sec. 1, ch. 251, 1901; sec. 1, ch. 189, 1903.
439*b*	Sec. 1, ch. 189, 1903.
439*c*	Repealed, sec. 1, ch. 189, 1903.
440	Sec. 1, ch. 443, 1905.
447	Sec. 1. ch. 158, 1905.
450	Sec. 1, ch. 439, 1901.
450*a*	New section, sec. 2, ch. 439, 1901.
450*b*	New section, sec. 3, ch. 439, 1901.
450*c*	New section, sec. 4, ch. 439, 1901.
451	Sec. 5, ch. 439, 1901.
452	Sec. 6, ch. 439, 1901.
452*a*	Sec. 7, ch. 439, 1901.
452*b*	New section, sec. 1, ch. 104, 1899.
458*c*	Sec. 1, ch. 237, 1899.
458*h*	Sec. 1, ch. 171, 1901.

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Sections of Statutes.	Amending Laws.
458*i*, 458*j*, 458*k*	Sec 1, ch. 231, 1905.
458*l*	Sec. 1, ch. 231, 1905.
459	Sec. 1, ch. 326, 1903.
461	Sec. 1, ch. 105, 1905.
461—8	Sec. 2, ch. 290, 1901.
461*cc*	Created, sec. 1, ch. 46, 1905.
461*d*	Sec. 1, ch. 52, 1901.
468—4	Sec. 1, ch 119, 1901.
471	Sec. 1, ch. 307, 1905.
475	Sec. 1, ch. 172, 1905.
486*a*	Sec. 1, ch. 272, 1899; ch. 243, 1905; sec. 1, ch. 417, 1905.
490	Sec. 1, ch. 258, 1905.
491	Sec. 1, ch. 57, 1899; sec. 1, ch. 345, 1903; sec. 1, ch. 174, 1905.
491*a*	Sec. 1, ch. 345, 1901.
491*b*	Sec. 2, ch. 345, 1901.
491*c*	Created, sec. 1, ch. 174, 1905.
492	Sec. 2, ch. 345, 1903; ch. 329, 1905.
492*a*	New section, sec. 1, ch. 253, 1901.
494*a*	Sec. 1, ch. 284, 1899.
495	Sec. 1, ch. 342, 1901.
496	Sec. 1, ch. 214, 1899; sec. 3, ch. 345, 1901.
496*a*	Sec. 8, ch. 439, 1901.
496*c*	Sec. 1, ch. 273, 1899.
497*a*	New section, sec. 1, ch. 184, 1901.
521	Sec. 2, ch. 416, 1901.
523	Sec. 1, ch. 160, 1901.
524	Sec. 3, ch. 351, 1901.
526	Sec. 4, ch, 351, 1901.
541	Sec. 1, ch. 416, 1901.
551	Sec. 1, ch. 115, 1889; sec. 4, ch. 313, 1903.
551*a*	New section, sec. 313, 1903.
558	Sec. 1, ch. 450, 1901.
561*a*	Sec. 1, ch. 381, 1905.
562*a*	Sec. 1, ch. 403, 1901.
564	Sec. 1, ch. 226, 1899.
Ch. 30*a*	Extended, ch. 109, 1901.
573	Sec. 1, ch. 223, 1901.
578	Sec. 1, ch. 86, 1903.
579*a*	New section, sec. 1, ch. 422, 1901.
584*a*	Created, sec. 1, ch. 285, 1905.
585*c*	Sec. 1, ch. 65, 1901.
585*d*	Sec. 1, ch. 16, 1903.
587	Sec. 1, ch. 163, 1901.
587*c*	Sec. 1, ch. 327, 1899; sec. 1, ch. 77, 1901.
595	Sec. 1, ch. 367, 1901.
604*a*	Sec. 1, ch. 73, 1899; sec. 1, ch. 141, 1905.
604*c*	Sec. 1, ch. 376, 1905.
604*h*	Sec. 1, ch. 250, 1903.

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Sections of Statutes.	Amending Laws.
604*q*	Sec. 2, ch. 376, 1905.
604*s*	Sec. 1, ch. 150, 1899.
609	Sec. 1, ch. 228, 1899.
610*a*	Created, sec. 2, ch. 434, 1905.
611*a*	Created, sec. 1, ch. 434, 1905.
Ch. 34	Repealed, sec. 45, ch. 200, 1899. See ch. 228, 1901.
630	Sec. 2, ch. 418, 1901.
639*a*	Created, sec. 4, ch. 434, 1905.
642	Created, sec. 8, ch. 434, 1905.
645	Created, sec. 7, ch. 434, 1905.
649—19	Created, sec. 5, ch. 434, 1905.
649—25	Created, sec. 10, ch. 434, 1905.
649—26	Created, sec. 9, ch. 439, 1905.
649—34	Created, sec. 3, ch. 434, 1905.
667*a*	Ch. 110, 1903.
670	Sec. 11, ch. 351, 1899.
671*a*	Created, sec. 1, ch 253, 1899.
685	Sec. 12, ch. 351, 1899.
690	Ch. 89, 1903.
693	Sec. 1, ch. 358, 1903.
696	Sec. 1, ch. 153, 1901.
698	Sec. 1, ch. 307, 1903.
701	Sec. 2, ch. 3, 1899.
702	Sec. 1, ch. 376, 1903; sec. 1, ch. 204, 1905.
702*a*	Sec. 14, ch. 351, 1899.
704	Ch. 518, 1905.
706	Sec 1, ch. 155, 1899; sec. 1, ch. 57, 1901.
711	Sec. 2, ch. 155, 1899.
717	Sec. 2, ch. 358, 1903.
731	Sec. 15, ch. 351, 1899.
731—7	Sec. 1, ch. 139, 1905.
750	Sec. 1, ch. 283, 1903.
751	Sec. 1, ch. 134, 1903.
762	Ch. 239, 1905.
764	Sec. 1, ch. 105, 1903; sec. 5, ch. 416, 1905.
764*a*	Sec. 1, ch. 278, 1899; secs. 6, 7, 8, ch. 416, 1905.
771	Sec. 1, ch. 213, 1901.
775*a*, 775*b*, 775*c*, 775*d*, 775*e*	Created, sec. 1, ch. 21, 1905.
776	Sec. 1, ch. 325, 1899; sec. 2, ch. 439, 1903; sec, 1, ch. 13, 1905.
783	Sec. 1, ch. 86, 1899.
789	Sec. 1, ch. 309, 1903.
796	Sec. 1, ch. 402, 1901.
808	Sec. 1, ch. 97, 1899.
819	Sec. 1, ch. 302, 1901; sec. 1, ch. 306, 1905.
823	Sec. 1, ch. 85, 1899; sec. 2, ch. 325, 1899.
827*a*	New section, sec. 1, ch. 449, 1901.

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Sections of Statutes.	Amending Laws.
840	Sec. 1, ch. 335, 1899.
843	Sec. 16, ch. 351, 1899.
845	Sec. 2, ch. 97, 1899.
846—1	Sec. 1, ch. 78, 1901.
865	Sec. 1, ch. 58, 1905.
888	Sec. 17, ch. 551, 1899.
890	Sec. 1, ch. 44, 1905.
919*a*	Sec. 2, ch. 169, 1903.
919*d*	Sec. 3, ch. 169, 1903.
919*c*	Sec. 1, ch. 60, 1903; ch. 87, 1903.
919*cc*	Sec. 1. ch. 60, 1903.
925*d*	Sec. 1, ch. 284, 1899.
925*d*	New section, sec. 1, ch. 213, 1903.
925*i*	Ch. 213, 1903.
925—14	Sec. 1. ch. 36, 1901; ch. 123, 1905.
925—21*a*	Sec. 1, ch. 149, 1903.
925—23	Sec. 1, ch. 60, 1901.
925—25	Sec. 2, ch. 60, 1901; sec. 1, ch. 215, 1905.
925—52—29	Sec. 1, ch. 169, 1901.
925—52	Par. 31, sec. 1, ch. 326, 1905.
925—52—55	Ch. 99, 1903.
925—61	Sec. 1, ch. 223, 1905.
925—52—66	Sec. 1, ch. 61, 1899.
34—925—52	Sec. 1, ch. 209, 1905.
925—58	Sec. 1, ch. 127, 1899.
925—62*a*	New section, sec. 1, ch. 84, 1899.
925—67	Sec. 1, ch. 41, 1903.
925—95	Sec. 1, ch. 135, 1901.
925—95*a*	Sec. 2, ch. 135, 1901.
925—99*a*	New section, sec. 1, ch. 362, 1901.
925—99*b*	New section, sec. 1, ch. 362, 1901.
925—105	Sec. 2, ch. 362, 1901.
925—113	Sec. 1, ch. 287, 1899.
925—118*a*	Sec. 1, ch. 127, 1903.
925—119	Sec. 1, ch. 186, 1899.
925—133	Sec. 1, ch. 61, 1905.
925—133—7	Sec. 1, ch. 277, 1903; sec. 1; ch. 427, 1903; ch. 61, 1905; sec. 1, ch. 311, 1905.
925—133—8	Ch. 428, 1903.
925—136	Sec. 1, ch. 211, 1899.
925—139	Sec. 1, ch. 201, 1903; ch. 310, 1905,
925—142	Sec. 2, ch. 186, 1899.
925—142*a*	Sec. 1, ch. 262, 1899.
925—143	Sec. 1, ch. 196, 1901.
925—147	Sec. 1, ch. 195, 1901.
925—152	Sec. 1, ch. 194, 1901.
925—176	Sec. 925-176*a*, ch. 108, 1903.
925—186	Sec. 1, ch. 88, 1903.
925—193	Sec. 1, ch. 132, 1899.
925—204	Sec. 1, ch. 173, 1899.

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Sections of Statutes.	Amending Laws.
25—205	Sec. 2, ch. 173, 1899; sec. 1, ch. 159, 1905.
25—205*a*	New section, sec. 1, ch. 20, 1899.
25—216	Sec. 1, ch. 215, 1901.
25—218	Sec. 2, ch. 215, 1901.
25—220	Sec. 3, ch. 215, 1901.
25—259	Sec. 1, ch. 272, 1901.
25—269—1	Sec. 1, ch. 102, 1903.
926	Sec. 1, ch. 51, 1899.
926—11	Sec. 1, ch. 228, 1903; sub. ch. 428, 1903.
926— 2	Sec. 1, ch. 207, 1903.
927	Sec. 1, ch. 169, 1903; ch. 394, 1905.
927—24	New section, sec. 1, ch. 174, 1901.
930*a*	New section, sec. 1, ch. 61, 1901.
930*b*	
931	Sec. 1, ch. 89, 1899; sec. 1, ch. 203, 1901; sec. 1, ch. 352, 1903; sec. 1, ch. 43, 1905.
931*a*	New section, sec. 1, ch. 310, 1901.
931*b*	New section, sec. 1, ch. 404, 1903.
932	Sec. 1, ch. 98, 1901.
932*a*	Created, ch. 375, 1905.
933	Sec. 2, ch. 310, 1901.
933*a*	Created, sec. 1, ch. 392, 1905.
934	Sec. 1, ch. 139, 1899; sec. 1, ch. 265, 1901.
935	Sec. 1, ch. 96, 1901.
936*a*	New section, sec. 1, ch. 293, 1903.
942	Sec. 1, ch. 309, 1899.
942*a*	New section sec. 1, ch. 309, 1899.
942*c*	New section, sec. 1, ch. 9, 1903.
943	Sec. 1, ch. 312, 1903.
943	Sec. 1, ch. 74, 1901; ch. 312, 1903; sec. 1, ch. 378, 1905.
959—8	Sec. 18, ch. 351, 1899.
959—30	Sec. 1, ch. 363, 1903.
959—41	Sec. 1, ch. 178, 1899.
959—44	Sec. 2, ch. 178, 1899.
959—45	Sec. 3, ch. 178, 1899.
959—70	Ch. 150, 1903.
959—71	Created, sec. 1, ch. 270, 1905.
959—72	Created, ch. 293, 1905.
959—73	
959—74	
959—75	
959—76	
959—77	
959—78	
968	Sec. 1, ch. 445, 1905.
968*a*	Created, sec. 2, ch. 445, 1905.
1007	Sec. 1, ch. 373, 1903.
1010	Sec. 1, ch. 210, 1899; sec. 1, ch. 39, 1903.

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Sections of Statutes.	Amending Laws.
1010*a*	New sections, sec. 1, ch. 308, 1899.
1010*b*	
1010*c*	
1010*d*	
1021*c*	Sec. 1, ch. 83, 1905.
1021*f*	Sec. 1, ch. 158, 1899.
1022	Sec. 9, ch. 416, 1905.
1023*a*	Sec. 1, ch. 250, 1899; sec. 1, ch. 415, 1903.
1024	Sec. 2, ch. 415, 1903.
1024*a*	Ch. 384, 1903.
1024*b*	Sec. 1, ch. 83, 1901; sec. 3, ch. 415, 1903.
1024*c*	Repealed, sec. 2, ch. 250, 1899.
1026	Sec. 1, 2, 3, ch. 416, 1905.
1032	Sec. 1, ch. 171, 1899.
1036	Sec. 1, ch. 346, 1899.
1037*a*	Sec. 1, ch. 283, 1899.
1038—15	Repealed, sec. 29, ch. 494, 1905.
1038—11	Ch 292, 1903.
1038—11*a*	New sub. ch. 246, 1903.
Sub. 10—1038	Sec. 1, ch. 214, 1905.
1038— 2	Ch. 91, 1903; sec. 1, ch. 292, 1903.
1038—20	Repealed, sec. 1, ch. 95, 1899.
1038—27	Sec. 3, ch. 488, 1905.
1038—30	Repealed, sec. 1, ch. 392, 1901.
1040	Sec. 2, ch. 346, 1899; sec. 1, ch. 191, 1901; sec. 1 ch. 417, 1903.
1042	Sec. 1, ch. 72, 1903.
1042*a*	Repealed, sec. 1, ch. 303, 1899.
1044	Sec. 1, ch. 229, 1899; sec. 2, ch. 417, 1903.
1044*a*	New section, sec. 2, ch. 417, 1903; ch. 508, 1905.
1044*b*	New section, sec. 2, ch. 417, 1903.
1044*c*	
1044*d*	
1045	Sec. 2, ch. 302, 1901.
1051	Sec. 4, ch. 72, 1903.
1052	Sec. 1, ch. 92, 1901.
1056	Sec. 1, ch. 284, 1903.
1057	Sec. 6, ch. 72, 1903.
1058	Sec. 19, ch. 351, 1899; repealed, sec. 1, ch. 323, 1899; restored, sec. 1, ch. 389, 1901.
1059	Sec. 1, ch. 50, 1899.
1061	Sec. 2, ch. 284, 1903.
1069	Repealed, sec. 6, ch. 237, 1901.
1072	Sec. 1, ch. 313, 1903.
1072*a*	Sec. 20, ch. 351, 1899; sec. 1, ch. 313, 1903.
1072*b*	New section, sec. 313, 1703.
1073	Sec. 1, ch 474, 1905.
1074	Sec. 1, ch. 439, 1903.
1077*a*	Repealed, sec. 13, ch. 474, 1905.
1077*aa*	New section, sec. 1, ch. 10, 1901.

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1077*b*	Repealed, sec. 13, ch. 474, 1905.
1078	Sec. 3, ch. 302, 1901.
1081	Sec. 2, ch. 335, 1899; sec. 1, ch. 374, 1901; sec. 1. ch. 101, 1905.
1083	Sec. 3, ch. 335, 1899.
1087*a*	New section, sec. 33, ch. 351, 1899.
1088	Sec. 1, ch. 190, 1901.
1089	Sec. 4, ch 335, 1899.
1090	Sec. 5, ch. 335, 1899.
1102—3	Sec. 1, ch. 377, 1903.
1107*a*	Ch. 380, 1903.
1108, 1109	Repealed, sec. 6, ch. 335, 1899.
1110	Sec. 7, ch. 335, 1899.
1121	Sec. 1, ch. 164, 1899; sec. 8, ch. 335, 1899.
1132	Sec. 1, ch. 35, 1905.
1133	Sec. 1, ch. 413, 1905.
1141*a*	Sec. 1, ch. 379, 1905.
1174*b*	Sec. 1, ch. 513, 1905.
1181	Sec. 1, ch. 337, 1899.
1184*a*	New section, sec. 1, ch. 44, 1901.
1189*a*	Sec. 21, ch. 351, 1899.
1210*b*	Sec. 1, ch. 292, 1905.
1210*d*	Sec. 1, ch. 9, 1901; sec. 1, ch. 19, 1901; sec. 1, ch. 276, 1903; ch. 501, 1905.
1210*e*	Sec. 1, ch. 354, 1903; sec. 1, ch. 294, 1905.
1210*h*	Sec. 1, ch. 357, 1803.
1210*cc*	Created, Sec. 2, ch. 294, 1905.
1211	Sec. 2, ch. 308, 1899; sec. 1, ch, 417, 1901.
1212	Sec. 4, ch. 308, 1899.
1216, 1217, 1218	Repealed, sec. 29, ch. 494, 1905.
1219	Sec. 1, ch. 325, 1905.
1220	Sec. 1, ch. 326, 1899; ch. 21, 1901; ch. 455, 1905.
1222*a*	Sec. 1, ch. 488, 1905.
1222*c*, 1222*d*, 1222*e*, 1222*f*	Repealed, sec. 32, ch. 493, 1905.
1222*e-l*	New section, sec. 4, ch. 354, 1899.
1222*k*	Sec. 1, ch. 442, 1905.
1223—2	Sec, 1, ch. 83, 1899.
1223*a*	New section, sec. 2, ch. 83, 1899.
1258	Sec. 1, ch. 311, 1903.
1263	Sec. 1, ch. 140, 1899.
1265	Sec. 1, ch. 388, 1901.
1275*b*	New section, sec. 1, ch. 287, 1903.
1283	Sec. 1, ch. 189, 1905.
1291	Sec. 1, ch. 257, 1 899
1299*i*	Sec. 1, ch. 23, 1903

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1319	Sec. 1, ch. 225, 1903; sec. 1, ch. 288, 1905.
1321*b*	New sections, sec. 1, ch. 430, 1901.
1321*a*	New sections, sec. 1, ch. 430, 1901.
1337	Sec. 1, ch. 219 1901.
1339	Sec. 1, ch. 305, 1899.
1346*a*	Sec. 1, ch. 278, 1901.
1346*b*	New section, sec. 2. ch. 278, 1901.
1347*b*	Sec. 1. ch. 197, 1899; sec. 1, ch. 424, 1903.
1358*a*	New section, sec. 1. ch. 386, 1901.
1362	Sec. 1, ch. 47, 1905.
1363	Sec. 1, ch. 318, 1901.
1376—12	Repealed, sec. 45, ch. 419, 1905.
1376—14	Repealed, sec. 45, ch. 419, 1905.
1376—15	Repealed, sec. 45, ch. 419, 1905.
1376—16	Repealed, sec. 45, ch. 419, 1905.
1376—17	Repealed, sec. 45, ch. 419, 1905.
1376—20	Repealed, sec. 45, ch. 419, 1905.
1376—22	Repealed, sec. 45, ch. 419, 1905.
1376—23	Repealed, sec. 45, ch. 419, 1905.
1376 32	Repealed, sec. 43, ch. 419, 1905.
1379—11	Repealed, sec. 45, ch. 419, 1905.
1379—13	Repealed, sec. 45, ch. 419, 1905.
1379—18	Repealed, sec. 45, ch. 419, 1905.
1379—18*a*	New section, sec. 3, ch. 43, 1901.
1379—19	Repealed, sec. 45, ch. 419, 1905.
1379—21	Repealed, sec. 45, ch. 419, 1905.
1379—24	Repealed, sec. 45, ch. 419, 1905.
1379—25	Repealed, sec. 45, ch. 419, 1905.
1379—26	Repealed, sec. 45, ch. 419, 1905.
1379—27	Repealed, sec. 45, ch. 419, 1905.
1379—28	Repealed, sec. 45, ch. 419, 1905.
1379—30	Repealed, sec. 45, ch. 419, 1905.
1390*a*	Created, ch. 374, 1905.
1406	Sec. 1, ch. 433, 1905.
1407	Sec. 22, ch. 351, 1899; sec. 2, ch. 433, 1905.
1409	Sec. 4, ch. 416, 1905.
1409*d*	Sec. 1, ch. 340, 1901.
1409*g*	Sec. 1. ch. 289, 1899.
1410	Ch. 144, 1903; ch. 390, 1905.
1410*a*	Sec. 1. ch. 193, 1905.
1410*c*	Ch. 411, 1903.
1410*f*	Ch. 411, 1903.
1410*g*	Ch. 411, 1903.
1410*h*	Ch. 411, 1903.
1410*i*	Ch. 411, 1903.
1410*j*	Ch. 411, 1903.
1418	Sec. 1, ch. 369, 1903.
1421*c*	Sec. 1. ch. 466, 1901.
1421*d*	Sec. 2. ch. 466, 1901.
1421*e*	Sec. 3, ch. 466, 1901.
1421*g*	Sec. 4, ch. 466, 1901.

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1421*h*	Sec. 5, ch. 466, 1901.
1421*j*	Sec. 6, ch. 466, 1901.
1435*b*, 1435*c*	Sec. 1, ch. 306, 1901.
1437	Sec. 1, ch. 406, 1903.
1440	Sec. 1, ch. 122, 1905.
1443*a*	Created, sec. 1, ch. 127, 1905.
1439	Sec. 1, ch. 335, 1905.
1458*a*	Sec. 1, ch. 48, 1899; sec. 1, ch. 82, 1901.
1458*c*	Repealed, sec. 2, ch. 446, 1905.
1458*d*	Repealed, sec. 2, ch. 446, 1905.
1459	Sec. 1, ch. 320 1901; sec. 1, ch. 259, 1903; sec. 1, ch. 412, 1905.
1459*b*	Sec. 1, ch. 421, 1901.
1463	Sec. 1, ch. 274, 1901; sec. 1, ch. 446, 1905.
1464, 1469	Sec. 3, ch. 446, 1905.
1470, 1471	Repealed, sec. 23, ch. 264, 1905.
1480	Sec. 1, ch. 234, 1901; sec. 1, ch. 424, 1901.
1480*a*	Sec. 1; ch. 51, 1001.
1480*b*	Sec. 2, ch. 424, 1901.
1482	Sec. 1, ch. 14, 1903.
1492	Sec. 1, ch. 235, 1903.
1492*a*	Sec. 1, ch. 215, 1903.
1492*f*	Sec. 1, ch. 82, 1899.
1494*f*	Sec. 1, ch. 188. 1903.
1497	Sec. 1, ch. 203, 1899.
1498	Sec. 1, ch. 408, 1901.
1498*a*	Sec. 1, ch. 312, 1899; sec. 1, ch. 358, 1901; sec. 2, ch. 408, 1901; sec. 1, ch. 325, 1903.
1498*b*	Sec. 2, ch. 312, 1899; sec. 2, ch. 408, 1901.
1498*h*	Sec. 5, ch. 312, 1899.
1498*i*	Repealed, sec. 26, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 5, ch. 500, 1905.
1498*k*	Sec. 6, ch. 312, 1899.
1498*l*	Sec. 7, ch. 312. 1899.
1498*m*	Sec. 21, ch. 358, 1901; sec. 1, ch. 325, 1903.
1498*p*	Sec. 1, ch. 325, 1903.
1498*o*-6	Sec. 7. ch. 312, 1899.
1498*o*—10	Sec. 9, ch. 312, 1899.
1498*p*	Sec. 10, ch. 312, 1899; sec. 3, ch. 358, 1901.
1498*q*	Sec. 11, ch. 312, 1899.
1498*r*	Sec. 12, ch. 312, 1899.
1498*s*	Sec. 13, ch. 312, 1899.
1498*t*	Sec. 15, ch. 312, 1899.
1498*u*	Repealed, sec. 16, chap. 312, 1899.
1512	Sec. 1, ch. 319, 103; sec. 1, ch. 222, 1905; sec. 1, ch. 414, 1905.
1512*a*	Created, sec. 2, ch. 414, 1905.

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Sections of Statutes.	Amending Laws.
1513	Created, sec. 1, ch. 73, 1905.
1517	Sec. 1, ch. 293, 1901.
1520	Sec. 1, ch. 56, 1901.
1529*a*	Sec. 1, ch. 304, 1899; sec. 1, ch. 324, 1903; sec. 1, ch. 255, 1905.
1529*b*	Sec. 1, ch. 333, 1903; sec. 1, ch. 441, 1905.
1529*c*	Sec. 1, ch. 231, 1899.
1529*d*	Sec. 1, ch. 34, 1903.
1529*f*	Sec. 1, ch. 135, 1899.
1529*g*	Sec. 1, ch. 240, 1901.
1531	Sec. 1, ch. 136, 1905.
1533	Sec. 2, ch. 136, 1905.
1536	Sec. 1, ch. 110, 1905.
1540	Sec. 3, ch. 136, 1905.
1542	Sec. 4, ch. 136, 1905.
1543	Sec. 1, ch. 352, 1901.
1546	Sec. 1, ch. 91, 1899.
1547	Sec. 1, ch. 385, 1901.
1548	Sec. 1, ch. 116, 1899; sec. 1, ch. 20, 1905; sec. 1, ch. 385, 1905.
1548*a*	Sec. 1, ch. 349, 1905.
1551	Sec. 1, ch. 194, 1899; sec. 1, ch. 113, 1901; sec. 1, ch. 440, 1903; sec. 1, ch. 230, 1905.
1557	Sec. 1, ch. 141, 1903; sec. 1, ch. 299, 1905.
1557*a*	Created, sec. 1, ch. 103, 1905.
1562	Sec. 23, ch. 351, 1889.
1565	Sec. 1, ch. 341, 1905.
1570-1584*i* inc.	Repealed, sec. 25, ch. 490, 1905.
1572	Sec. 2, ch. 341, 1901.
1574	Sec. 3, ch. 341, 1901; sec. 1, ch. 393, 1903.
1575	Sec. 4, ch. 341, 1901.
1576	Sec. 1, ch. 52, 1899; sec. 24, ch. 351, 1899; sec. 5, ch. 341, 1901.
1584*e*	Sec. 6, ch. 341, 1901.
1584*f*	Sec. 7, ch. 341, 1901.
1584*i*	Sec. 8, ch. 341, 1901.
1598	Sec. 1, ch. 413, 1901.
1619	Ch. 328, 1903.
1626	Sec. 1, ch. 311, 1901; ch. 45, 1899; ch. 324, 1905.
1636*b*	Sec. 6, ch. 258, 1899; sec. 8, ch. 432, 1901; sec. 3, ch. 450, 1903.
1636*c*	Sec. 1, ch. 353, 1899; sec. 4, ch. 450, 1903.
1636*d*	Sec. 5, ch. 450, 1903.
1636*e*	Sec. 9, ch. 432, 1901.
1636*ee*	Created, sec. 25, ch. 351, 1899; repealed, sec. 6, ch. 349, 1901.
1636*f*	Repealed, sec. 6, ch. 349, 1901.
1636*g*	Sec. 26, ch. 351, 1899; repealed, sec. 6, ch. 349, 1901.
1636*h*, 1636*i*	Repealed, sec. 6, ch. 349, 191.
1636*jj*	Created, sec. 1, ch. 303, 1905.

TATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
1659	Sec. 1, ch. 71, 1905.
1665	Sec. 1, ch. 282, 1889; sec. 1, ch. 111, 1901.
1668	Sec. 1, ch. 334, 1899; sec. 1, ch. 56, 1905.
1675 675—1 to 24 675—50to55	Created ch. 262, 1905.
1676 676—1 to 29 1677 677—1 to 9 1678 1678—1 to 48	Created, sec. 1, ch. 366, 1899. (Negotiable Instrument Law.)
1679 1680 1680*a* to *p* 1681 1681—1 to 40 1682 1683 1684 1684—1 to 6	Created, sec. 1, ch. 366, 1899. (Negotiable Instrument Law.)
1675 1676 1677 1678 1679 1680 1681 1682 1683 1684	Repealed, sec. 2, ch. 356, 1899. (Negotiable Instrument Law.)
1691	Sec. 1, ch. 347, 1905.
1693*c* 1693*d*	New sections, sec. 1, ch. 207, 1901.
1694	Sec. 1, ch. 98, 1899.
1722*a*	Sec. 1, ch. 47, 1901.
1737	Sec. 1, ch. 451, 1901.
1743	Sec. 1, ch. 421, 1903.
1747*dd*	New section, sec. 1, ch. 140, 1901.
1748—7	Sec. 1. ch. 12, 1903; sec. 1, ch. 382, 1905.
1750	Sec. 1, ch. 347, 1905.
1757	Sec. 1, ch. 347, 1905.
1753	Sec. 1, ch. 193, 1899.
1759*a*	Sec. 1, ch. 109, 1903.
1770*b*	Sec. 27, ch. 351, 1899; sec. 1. ch. 399, 1901; sec. 1, ch. 434, 1901; sec. 1, ch. 506, 1905.
1770*c*	New section, sec. 2. ch. 399, 1901.
1770*d*	New section, sec. 3, ch. 399, 1901.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
1966—38	Sec. 1, ch. 436, 1903; sec. 1, ch. 205, 1905.
1971	Sec. 1. ch, 192, 1899; ch, 451, 1905.
1972	Sec. 1, ch. 90, 1905.
1972*b*	Sec. 1, ch. 212, 1905.
1976	Sec. 1, ch. 38, 1905.
1977	Sec. 1, ch. 353, 1905.
1974	Sec. 1. ch 167, 1905.
1972*b*—4	Sec. 1, ch. 233, 1901.
1985	Repealed, sec. 1, ch. 105, 1899. (Formation of hail insurance corporations.)
1987	Sec. 1, ch. 145, 1899.
1998*a*	New section, ch. 198, 1903.
2001—16	Sec. 1, ch. 42, 1901.
2012	Sec. 1, ch. 156, 1899.
2014—1	Sec. 2, ch. 156, 1899.
2014—10	Sec. 3, ch. 156, 1899.
2014—12	Sec. 4, ch. 156, 1899.
2014—13	Sec. 1, ch. 358, 1905.
2014—16	Sec. 1, ch. 74, 1905.
2020	Sec. 1, ch. 115, 1903.
2023*k*	Sec. 1, ch. 69, 1899.
2023*q*	Sec. 1, ch. 317, 1901.
2039	Sec. 1, ch. 511, 1905.
2172*a*	New section, ch. 264, 1903.
2196*a*	Sec. 1, ch. 306, 1903.
2216*c*	New section, sec. 1, ch. 28, 1901.
2203	Sec. 1, ch. 45, 1905.
2236	Sec. 31, ch. 351, 1899.
2252	Sec. 1, ch. 267, 1903.
2252	Ch. 267, 1903.
2261	Sec. 1, ch. 101, 1901.
2284	Sec. 1, ch. 128, 1905.
2285	Sec. 2, ch. 128, 1905.
2296	Sec. 1, ch. 76, 1903.
2313*a*	Created, sec. 1, ch. 148, 1905.
2317*b*	New section. sec. 1, ch. 463, 1901.
2330	Sec. 1, ch. 271, 1901.
2331	Sec. 1, ch. 32, 1903.
2331*a* 2331*b*	New section, sec. 1, ch. 30, 1901.
2344*a*	Created, sec. 1, ch. 226, 1905.
2345	Sec. 1, ch. 17, 1905.
2423	Sec. 1, ch. 6, 1905.
2421	Sec. 1, ch. 146, 1901.
2424	Sec. 1, ch. 255, 1903; sec. 1, ch. 226, 1903; sec. 6, ch. 6, 1905; sec. 1, ch. 316, 1905.
2424—5th	Sec. 1, ch. 13, 1901; sec. 6, ch. 6, 1905.
2424—7th	Ch. 6, 1901.
2424—8th	Sec. 1. ch. 133, 1901; sec. 1, ch. 395, 1901; sec. 6, ch. 6, 1905.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
2424—4th	Sec. 6, ch. 6, 1905.
2424—6th	
2424—10th	
2424—18th	
2424—19th	
2424—12th	Sec. 1, ch. 27, 1901; ch. 6, 1905; sec. 1, ch. 224, 1905.
2424—15th	Sec. 1, ch. 110, 1901; sec. 1, ch. 299, 1901; ch. 255, 1903; sec. 6, ch. 6, 1905.
2424—16th	Ch. 2, 1901; sec. 6, ch. 6, 1905.
2424—17th	Sec. 1, ch. 62, 1899; sec. 1, ch. 103, 1901; ch. 221, 1903.
2424	Sec. 32, ch. 351, 1899.
2431	Sec. 1, ch. 224, 1903; sec. 1, ch. 398, 1903.
2433	Ch. 398, 1903.
2441	Sec. 2, ch. 7, 1899; sec. 1, ch. 253, 1905; sec. 1, ch. 91, 1905; sec. 1, ch. 301, 1905.
2443	Sec. 1, ch. 163, 1905.
2449	Sec. 1, ch. 160, 1899.
2450	Sec. 1, ch. 49, 1899; sec. 1, ch. 134, 1901.
2454	Sec. 1, ch. 45, 1903.
2464	Sec. 1, ch. 25, 1901; sec. 1, ch. 454, 1901; sec. 1, ch. 291, 1905.
2469	Sec. 1, ch. 343, 1905.
2515-2523	Ch. 49, 1901. ch. 176, 1905.
2525	Sec. 1, ch. 81, 1905.
2533*b*	Sec. 1, ch. 35, 1901; sec. 1, ch. 254, 1903.
2536	Sec. 1, ch. 90, 1903.
2544*c*	Sec. 33, ch. 351, 1899.
2556	Sec. 1, ch. 156, 1905.
2560	Sec. 1, ch. 93, 1901.
2561	Sec. 1, ch. 126, 1903.
2562	Sec. 2, ch. 126, 1903.
2582*a*	Ch. 204, 1903.
2586 - 2	Sec. 1, ch. 19, 1903.
2586— 3	Sec. 1, ch. 19, 1903.
2586— 6	Sec. 2, ch. 19, 1903.
2586— 7	Ch. 84, 1903.
2586— 8	
2586— 9	
2586—10	
2586—11	
2586—12	
2586—13	
2586—14	
2623	Sec. 3, ch. 40, 1899.
2625	Sec. 1, ch. 101, 1901; sec. 1, ch. 282, 1905.
2637—10	Sec. 1, ch 190, 1903.
2637—15	Created, sec. 1, ch 391, 1905.
2640	Sec. 1, ch. 48, 1901; sec. 1, ch. 16, 1905.
2666	Sec. 1, ch. 150, 1905.
2704—2	Sec. 1, ch. 159, 1903.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
2778*a*	New section, sec. 1, ch. 271, 1903.
2858	Sec. 1, ch. 390, 1903.
2864	Sec. 1, ch. 146, 1905.
2865	Sec. 2, ch. 146, 1905.
2869	Sec. 1, ch. 268, 1903.
2877	Sec. 1, ch. 296, 1901.
2878	Sec. 1, ch. 100, 1901.
2894*b*	Created, sec. 1, ch. 132, 1905.
2894*c*	Created, sec. 2, ch. 132, 1905.
2906	Sec 34, ch. 351, 1899.
2932	Sec. 35, ch. 251, 1899.
2940	Sec. 1, ch. 254, 1905.
2949	Sec. 1, ch. 365, 1905.
2968	Sec. 36, ch. 351, 1899.
2983	Sec. 1, ch. 269, 1901.
2984	Sec. 2, ch. 269, 1901.
2984*a*	New section, sec. 3, ch. 269, 1901.
2993	Sec. 1, ch. 100, 1905.
3030	Sec. 37, ch. 351, 1899.
3030*a*	Created, sec. 1, ch. 232, 1905.
3047	Sec. 1, ch. 63, 1899.
3072	Sec. 2, ch. 365, 1905.
3075	Sec. 1, ch. 152, 1901.
3088	Sec. 2, ch. 152, 1901.
3102	Sec. 1, ch. 336, 1899.
3105	Sec. 1, ch. 280, 1903.
3113*a*	New section, sec. 2, ch. 336, 1899.
3153*a*, 3153*b*, 3153*c*, 3153*d*, 3153*e*	Created, sec. 1, ch. 234; 1905.
3187*a*	Sec. 38, ch. 351, 1899; sec. 1, ch. 121, 1901; sec. 1, ch. 27, 1905; sec. 44, ch. 419, 1905.
3219	Sec. 1, ch. 175, 1901.
3223	Sec. 1, ch. 129, 1901.
3314	Sec. 1, ch. 222, 1899.
3315*a*	New section. sec. 1, ch. 298, 1903.
3312*b*	Sec. 39, ch. 351, 1899.
3358–2	Sec. 1, ch. 26, 1901.
3363	Sec. 1, ch. 300, 1903.
3508*a*	New section, sec. 1. ch. 193, 1901.
3526	Sec. 40, ch. 351, 1899.
3586	Sec. 1, ch. 346, 1903.
3594	Sec. 1, ch. 20, 1903.
3627	Sec. 41, ch. 351, 1899.
3659	New section, ch. 118, 1903.
3716	Sec. 1. ch. 72, 1905.
3721*a*	Created, sec. 1, ch. 173, 1905.
3733	Sec. 1, ch. 155, 1905.
3723*b*	Sec. 1, ch. 230, 1901.

ATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
3726	Sec. 1, ch. 263, 1903.
3726—2	Sec. 1, ch. 267, 1901; 263, 1903.
3727*a*	New section, ch. 80, 1903.
3774	Sec. 1, ch. 114, 1905.
3803	Sec. 1, ch. 242, 1905.
3803*a*	Created, sec. 2, ch. 242, 1905.
3809	Sec. 1, ch. 24, 1901.
3813*a*	Sec. 1, ch. 85, 1903.
3821	Sec. 1, ch. 139, 1903.
3823	Sec. 1, ch, 265, 1903.
3825	Sec. 1, ch. 23, 1901.
3826	Sec. 2, ch. 23, 1901.
3844	Sec. 42, ch. 351, 1899.
3845	Sec. 1, ch. 5, 1899.
3874*a*	New section, sec. 1, ch. 112, 1901.
3881	New paragraph, sec. 2, ch. 112, 1901.
3781- 3	Sec. 1, ch. 283, 1901.
3891	Sec. 1, ch. 175, 1899.
3913	Sec. 1, ch. 46, 1901; sec. 1, ch. 146, 1903; sec. 1, ch. 442, 1903.
3919*a*	New section, sec. 1, ch. 185, 1899.
3930	Sec. 43, ch. 351, 1899.
3935 - 1	Sec. 1, ch. 76, 1901.
3940	Sec. 1, ch. 179, 1903.
3940	Sec. 2, ch. 179, 1903.
3964	Sec. 1, ch. 328, 1901.
3964	Sec. 1, ch. 257, 1903.
3966	Sec 44, ch. 351, 1899.
3987*a*	New section, sec. 1, ch. 15, 1901.
3995*c*, 3995*d*, 3995*e*, 3995*f*	Created sec. 1, ch. 89, 1905.
4024*a*	New section, sec. 1, ch. 117, 1901.
4041*a*	New section, sec. 1, ch. 397, 1901.
4043	Sec. 1, ch. 137, 1905.
4045	Sec. 1, ch. 175, 1899.
4051	Sec. 1, ch. 120, 1903.
4053	Sec. 45, ch. 351, 1899.
4069	Sec 1, ch. 181, 1901.
4078	Sec 1, ch. 85, 1901.
4080	Sec. 1, ch. 145, 1901,
4082, 4083	Repealed, sec. 1, ch. 151, 1903.
4084	Sec. 2, ch. 151, 1903.
4095*a*	Ch. 119, 1903.
4096	Sec. 1, ch. 29, 1899; sec. 1, ch. 244, 1901.
4102	Sec. 1, ch. 237, 1905.
4112	Sec. 46, ch. 351, 1899; sec. 2, ch. 237, 1905.
4119*a*	New section, sec. 1, ch. 14, 1901.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amendi g Laws.
4229	Sec. 1, ch. 1, 1905.
4136	Sec. 47, ch. 351, 1899.
4149	Sec. 48, ch. 351, 1899.
4221—5	Sec. 1, ch. 285, 1899.
4222 5	Sec. 1, ch. 307, 1899.
4269	Sec. 1, ch. 170, 1901.
4352	Sec. 1, ch. 149, 1905.
4372	Sec. 1, ch. 70, 1899
4385*a*	New section, sec. 1, ch. 34, 1901.
4390	Sec. 1, ch. 380, 1901.
4403	Sec. 1, ch. 240, 1899.
4409	Sec. 1, ch. 86, 1901.
4425	Sec. 1, ch. 146, 1899.
4432	Sec. 1, ch. 108, 1901; sec. 1, ch. 70, 1905.
4438	Sec. 1, ch. 165, 1905.
4445	Sec. 1, ch. 213, 1905.
4463*a*	New section, sec. 1, ch. 201, 1901.
4456*a*	Sec. 1, ch. 353, 1901.
4495	Sec. 1, ch. 130, 1905.
4499	Sec. 1, ch. 36, 1899.
4543	Sec. 1, ch. 313, 1905.
4543*c*	Sec. 1, ch. 502, 1905.
4543*c*—1	Created, sec. 2. ch. 502, 1085.
4552*a*	Created, sec. 1, ch. 486, 1905.
4559	Sec. 1, ch. 284, 1901.
4560	Sec. 26, ch. 312, 1899.
4560*a*	Sec. 1, ch. 437, 1903; ch. 489, 1905.
4560*b*	Sec. 1, ch. 311, 1899; sec. 8, ch. 437, 1903.
4560*c*	Sec. 2, ch. 311, 1899; sec. 5, ch. 437, 1903; ch. 318, 1905.
4560*d*	Sec. 3, ch. 311, 1899; sec. 7. ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 13, ch. 437, 1903.
4560*g*	Sec. 5. ch. 311, 1899; sec. 1, ch. 53, 1901; sec. 16, ch. 437, 1903.
4560*j*	Sec. 7, ch. 311, 1899; sec. 25, ch. 358, 1901: sec. 1, ch. 325, 1903; sec. 18, ch. 437, 1903.
4561*a*	Sec. 8, ch. 358, 1901; sec. 1, ch. 325, 1903.
4561*e*	Sec. 8, ch. 311, 1899.
4562*a*	Sec. 30*a*, ch. 312, 1899.
4562*d*	Sec. 9, ch. 311, 1899; sec. 9. ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 17, ch. 437, 1903; ch. 436, 1905.
4562*e*	Sec. 4, ch. 437, 1903; sec. 3, ch. 449, 1903.
4563	Sec. 1, ch. 267, 1899; sec. 2, ch. 449, 1903; sec. 1, ch. 113, 1905.
4563*b*	Sec. 12, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 9, ch. 437, 1903.
4564	Sec. 10. ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 10, ch 437, 1903; sec. 3. ch. 449, 1905.
4565	Sec. 10, ch. 311, 1899.
4565*c*	Sec. 11, ch. 358, 1901; sec. 11. ch. 437, 1903; ch. 514, 1905.
4565*d*	Sec. 11, ch. 311, 1899; sec. 20, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 13, ch. 437, 1903.

STATUTES OF 1898, AMENDED BY LAWS OF 1899-1901-1903-1905.

Sections of Statutes.	Amending Laws.
4565*e*	Sec. 12, ch. 311, 1899.
4565*f*	New section, sec. 12, ch. 311, 1899.
4566	Sec. 13, ch. 311, 1899.
4567	Sec. 19, ch. 358, 1901; sec. 1, ch. 325, 1903; sec. 1, ch. 402, 1905.
4567*a*	Sec. 18, ch. 358, 1901; sec. 1, ch, 325, 1903.
4580	Sec. 1, ch. 99, 1899.
4583	Sec. 1, ch. 449, 1905.
4587*c*	Sec. 1, ch. 131, 1905.
4588	Sec. 1, ch. 80, 1901.
4590	Sec. 1, ch. 128, 1899; sec. 1, ch. 256, 1901.
4600	Sec. 1, ch. 207, 1905.
4601	Sec. 1, ch. 133, 1803; sec. 2, ch. 207, 1905.
4601*a*	Sec. 1, ch. 104, 1905.
4601*d*	New section, sec. 1, ch. 335, 1901.
4607	Sec. 1, ch. 138, 1905.
4607*a*	Sec. 2, ch. 138, 1905.
4607*c*	Sec. 1, ch. 151, 1901.
4607*f*	Repealed, ch. 229, 1905.
4607*i*	Sec. 1, ch. 297, 1905.
4608*a*	Sec. 1, ch. 401, 1901.
4608*f*	Repealed, sec. 2, ch. 82, 1905.
4713	Sec. 1, ch. 273, 1903; sec. 1, ch. 18, 1905.
4733	Sec. 1, ch. 75, 1901.
4765	Sec. 1, ch. 67, 1899.
4816	Sec. 1, ch. 104, 1901.
4816*a*	Sec. 1, ch. 114, 1901.
4865	Sec. 1, ch. 314, 1905.
4866	Sec. 2, ch. 314, 1905.
4872	Sec. 3, ch. 314, 1905.
4877*a*	Sec. 4, ch. 314, 1905.
4890	Sec. 1, ch. 277, 1901.
4944*a*, 4944*b*, 4944*c*, 4944*d*, 4944*e*, 4944*f*, 4944*g*, 4944*h*, 4944*i*, 4944*j*, 4944*k*, 4944*l*	Sec. 1, ch. 28, 1899.
4951	Sec. 1, ch. 369, 1905.
4961	Sec. 1, ch. 50, 1905.
4966	Sec. 2, ch. 50, 1905.
4969	Sec. 49, ch. 351, 1899.
4978 (1895)	Sec. 1, ch. 137, 1901.

SESSION LAWS AMENDED BY THE LAWS OF 1899-1901-1903-1905.

Section.	Chapter.	Year.	Amending Law.
.....	1	1847	Ch. 116, 1901.
.....	50	1853	Sec. 1, ch. 296, 1903.
.....	208	1853	Ch. 491, 1905.
4	40	1855	Ch. 159, 1901.
1	40	1855	Sec. 1, ch. 220, P. & L., 1864; sec. 1, ch. 13, 1903.
2	40	1855	Sec. 2, ch. 13, 1903.
9	143	1855	Ch. 135, 1897; sec. 1, ch. 275, 1905.
.....	180	1866	Repealed, ch. 47, 1903.
1, 2, 3	102	1866	Repealed, sec. 2, ch. 302, 1905.
7	207	1867	Sec. 1, ch. 200, 1905.
8	207	1867	Sec. 2, ch. 200, 1905.
1	129	1867	Sec. 1, ch. 196, 1899.
3	129	1867	Sec. 2, ch. 196, 1899.
6	129	1867	Sec. 3, ch. 196, 1889.
7	129	1867	Sec. 4, ch. 196, 1898.
8	129	1867	Sec. 5, ch. 196, 1899.
10	129	1867	Sec. 6, ch. 196, 1899.
15	207	1867	Sec. 1, ch. 178, 1901.
1	272	1870	Sec. 1, ch. 204, 1901.
20	374	1870	Sec. 1, ch. 315, 1901.
21	374	1870	Sec. 2, ch. 315, 1901.
2	249	1875	Ch. 249, 1875; ch. 16, 1876; sec. 1, ch. 278, 1903.
.....	106	1876	Repealed, sec. 1, ch. 11, 1901.
.....	185	1876	Repealed, sec. 1, ch. 30, 1899.
.....	115	1879	Ch. 8, 1905.
1	249	1880	Sec. 1, ch. 40, 1903.
6	270	1880	Sec. 1, ch. 76, 1905; ch. 450, 1905.
.....	32	1882	Ch. 393, 1877; ch. 78, 1891; ch. 102, 1897; sec. 1, ch. 395, 1903.
.....	224	1882	Repealed, ch. 25, 1903.
.....	139	1883	Repealed, sec. 1, ch. 182, 1905.
.....	235	1883	Ch. 47, 1903.
.....	40	1883	Sec. 1, ch. 9, 1890.
.....	75	1885	Repealed, ch. 177, 1901.
1	122	1885	Sec. 1, ch. 204, 1904.
5	125	1887	Sec. 1, ch. 23, 1889.
6	125	1887	Sec. 1, ch. 109, 1899.
.....	154	1887	Repealed, ch. 177, 1901.
4	270	1887	Repealed, sec. 1, ch. 218, 1905.
.....	322	1887	Repealed, sec. 2, ch. 42, 1905.
1	351	1887	Sec. 1, ch. 340, 1899.
2	61	1889	Sec. 1, ch. 219, 4889.
4	181	1889	Sec. 1, ch. 247, 1899.
4	337	1889	Sec. 1, ch. 14, 1905.
11	488	1889	Sec. 1, ch. 372, 1905.
9	96	1891	Ch. 278, 1891; sec. 1, ch. 171, 1903.
10	96	1891	Sec. 2, ch. 171, 1903.
15	96	1891	Sec. 3, ch. 171, 1903.
7*a*	96	1891	New section, sec. 4, ch. 171, 1903.
1	99	1891	Ch 45, 1897; sec. 1, ch. 1, 1899; sec. 1, ch. 103, 1903.

ESSION LAWS AMENDED BY THE LAWS OF 1899-1901-1903-1905.

ec-on.	Chap-ter.	Year.	Amending Law.
9	99	1891	Sec. 2, ch. 1, 1899.
21*a*	99	1891	Created, sec. 1, ch. 111, 1905.
....	186	1891	Repealed, sec. 5, ch. 177, 1899.
1	357	1891	Sec. 1, ch. 48, 1903.
2	33	1893	Sec. 1, ch. 88, 1901.
2*a*	33	1893	Created, sec. 1, ch. 188, 1903.
4	33	1893	Sec. 1, ch. 108, 1899.
7	33	1893	Sec. 1, ch. 188, 1899.
8	33	1893	Ch. 301, 1893; sec. 1, ch. 117, 1903.
8*a*	33	1893	New section, sec. 2, ch. 117, 1903.
13	33	1893	Sec. 2, ch. 188, 1899.
.....	96	1893	Repealed and new section, sub. sec. 1, ch. 155, 1903.
4	112	1893	Sec. 1, ch. 261, 1897; sec. 1, ch. 291, 1903.
8	241	1893	Sec. 1, ch. 64, 1899.
13	241	1893	Sec. 1, ch. 12, 1901.
5	17	1895	Sec. 1, ch. 193, 1903.
7	17	1895	Sec. 2, ch. 193, 1903.
8	17	1895	Sec. 3, ch. 193, 1903.
11	17	1895	Sec. 4, ch. 193, 1903.
14	22	1895	Sec. 13, ch. 91, 1897; sec. 1, ch. 162, 1903.
1	24	1895	Sec. 1, ch. 389, 1903.
9	24	1895	Sec. 2, 389, 1903.
6	63	1895	Sec. 1, ch. 244, 1905.
.....	231	1895	Ch. 295, 1905.
1	134	1895	Ch. 294, 1901.
1	309	1895	Sec. 1, ch. 436, 1901.
.....	334	1895	Sec. 14, ch. 444, 1903.
.....	334	1895	Repealed, sec. 15, ch. 310, 1899
2	368	1895	Sec. 1, ch. 266, 1901.
.....	375	1895	Sec. 1, ch. 71, 1899.
.....	38	1897	Re-enacted, ch. 136, 1901. (Repealed by statute of 1898.)
1	44	1897	Sec. 1, ch. 115, 1901. Repealed, sec. 2, ch. 244, 1905.
3	72	1897	Sec. 1, ch. 117, 1899.
4	72	1897	Sec. 2, ch. 117, 1899.
5*a*	72	1897	Sec. 3, ch. 117, 1899.
7	72	1897	Sec. 4, ch. 117, 1899.
10	72	1897	Sec. 5, ch. 117, 1899.
13	72	1897	Sec. 6, ch. 117, 1899.
17	72	1897	Sec 7, ch. 117, 1899.
18	72	1897	Repealed, sec. 8, ch. 117, 1899.
18*a*	72	1897	Created, sec. 9, ch. 117, 1899.
18*b*	72	1897	Created, sec. 10, ch. 117, 1899.
12	72	1897	Sec. 1, ch. 157, 1905.
.....	111	1897	Sec. 1, ch. 135, 1905.
1	128	1897	Sec. 1, ch. 105, 1901.
2	129	1897	Sec. 1, ch. 8, 1899.
4	129	1897	Sec. 1, ch. 13, 1899.
9	129	1897	Sec. 1, ch. 64, 1901.
1	145	1897	Sec. 1, ch. 114, 1903.
1	355	1897	Sec. 1, ch. 366, 1903.

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Section.	Chapter.	Year.	Amending Law.
.....	163	1897	Repealed, sec. 1, ch. 255, 1899.
9	186	1897	Sec. 1, ch. 357, 1901.
10	186	1897	Sec. 2, ch. 357, 1903.
16	186	1897	Sec. 1, ch. 58, 1899; sec. 1, ch. 130, 1901.
17	186	1897	Sec. 2, ch. 58, 1899; sec. 3, ch. 357, 1901.
.....	190	1897	Repealed, sec. 9, ch. 483, 1905.
3	211	1897	Sec. 1, ch. 122, 1901.
.....	264	1897	Sec. 1, ch. 87, 1899.
.....	295	1897	Sec. 28, ch. 8, 1905.
1	322	1897	Sec. 1, ch. 172, 1901.
2	322	1897	Sec. 2, ch. 172, 1901.
3	322	1897	Created, sec. 3, ch. 172, 1901.
.....	352	1897	Repealed, ch. 59, 1901.
1	355	1897	Ch. 366, 1903.
2	367	1897	Sec. 1, ch. 345, 1899.
6	367	1897	Sec. 2, ch. 345, 1899; sec. 1, ch. 458, 1901.
5	377	1897	Repealed, sec. 4, ch. 2, 1899.
1	29	1899	Sec. 1, ch. 244, 1901.
3	34	1899	Sec. 1, ch. 106, 1901.
4	34	1899	New sections, sec. 1, ch. 106, 1901; ch. 108, 1905.
5	34		
6	34		
7	34		
8	34		
9	34		
.....	46	1899	Repealed, ch. 190, 1903.
1	45	1899	Repealed, ch. 324, 1905.
1	49	1899	Sec. 1, ch. 134, 1901.
1	58	1899	Sec. 1, ch. 130, 1901.
2	58	1899	Sec. 3, ch. 357, 1901.
1	62	1899	Sec. 3, ch. 103, 1901.
1	72	1899	Sec. 1, ch. 103, 1901; sec. 1, ch. 221, 1903.
.....	74	1899	Sec. 1, ch. 260, 1889.
1	76	1899	Sec. 1, ch. 34, 1905.
1	81	1899	Sec. 1, ch. 387, 1901.
1	90	1899	Sec. 1, ch. 62, 1901.
1	93	1899	Sec. 1, ch. 370, 1905.
2	93	1899	Sec. 2, ch. 370, 1905.
.....	95	1899 1901	Sec. 1, ch. 292, 1903.
.....	100	1899	Sec. 1, ch. 12, 1905.
.....	392	1901	Sec. 1, ch. 292, 1903.
3	111	1899	Sec. 1, ch. 35, 1903; ch. 477, 1905.
3	112	1899	Sec. 2, ch. 35, 1903; ch. 447, 1905.
3	113	1899	Sec. 3, ch. 35, 1903; ch. 477, 1905.
4	113	1899	Sec. 1, ch. 149, 1899.
3	114	1899	Sec. 4, ch. 35, 1903; ch. 477, 1905.
1	114	1899	Sec. 1, ch. 277, 1899.
3	114	1899	Sec. 4, ch. 35, 1903.
4	119	1899	Sec. 1, ch. 272, 1903; sec. 1, ch. 167, 1905.
1	128	1899	Sec. 1, ch. 256, 1901.
2	129	1899	Sec. 1, ch. 123, 1901.
1	139	1899	Sec. 1, ch. 265, 1901.
.....	151	1899	Repealed, sec. 2, ch. 217, 1901.

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1	152	1899	Ch. 338, 1905.
1	155	1899	Sec. 1, ch. 57, 1901.
.....	161	1899	Sec. 1, ch. 238, 1899.
1	162	1899	Sec. 1, ch. 78, 1905.
2	170	1899	Sec. 1, ch. 370, 1901.
1	179	1899	Sec. 1, ch. 371, 1901.
1	189	1899	Sec. 1, ch. 147, 1905
1	190	1899	Sec. 1, ch. 166, 1905.
1	194	1899	Sec 1, ch. 113, 1901.
1	197	1899	Sec. 1, ch. 424, 1903.
.....	200	1899	Repealed, sec. 74, ch. 228, 1901.
3a	206	1899	New section, sec. 1, ch. 220, 1901.
7	206	1899	Sec. 1, ch. 322, 1899.
9	206	1899	Sec. 2, ch. 220, 1901.
1	216	1899	Sec. 1, ch. 374, 1903.
5	218	1899	Sec. 1, ch. 70, 1901; sec. 1, ch. 124, 1901; sec. 1, ch. 388, 1903; sec. 1, ch. 63, 1905.
7	218	1899	Sec. 2, ch. 70, 1901.
13	218	1899	Sec. 1, ch. 363, 1901.
12	218	1899	Sec. 1, ch. 229, 1905.
17	218	1899	Sec. 1, ch. 299, 1903.
.....	232	1899	Repealed, sec. 8, ch 239, 1901.
1	238	1899	Sec. 1, ch. 377, 1905.
1	239	1899	Sec. 1, ch. 372, 1903.
.....	243	1899	Ch. 472, 1905.
1	251	1899	Sec. 1, ch. 170, 1901; sec. 73, 1901; sec. 1, 383, 1905.
.....	258	1899	Repealed, sec. 1, ch. 432, 1901.
1	259	1899	Sec. 1, ch 321, 1903.
1	260	1899	Ch. 166, 1901.
1	264	1899	Sec. 1, ch 167, 1901.
4	264	1899	Sec. 2, ch. 167, 1901.
9	264	1899	Sec. 3, ch. 167, 1901.
10	264	1899	Sec. 4, ch. 167, 1901.
1	265	1899	Sec. 1, ch. 176, 1901.
4	265	1889	Sec. 2, ch. 176, 1901.
10	265	1899	Sec. 3, ch. 176, 1901.
5	268	1899	Sec. 1, ch. 373, 1901.
1	270	1899	Sec. 1, ch. 448, 1901.
7a	270	1899	New section, sec. 1, ch. 221, 1901.
.....	274	1899	Ch. 182, 1901. sec. 1, ch. 349, 1903.
1	274	1899	Sec. 1, ch. 182, 1901.
2	274	1899	Sec. 2, ch. 182, 1901; ch. 349, 1903.
6	274	1899	Sec. 3, ch. 182, 1901.
1	283	1899	Sec. 1, ch. 263, 1901.
6	286	1899	Sec. 1, ch. 121, 1903.
7	286	1899	Sec. 2, ch. 121, 1903; ch. 330, 1903.
15	286	1899	Sec. 3, ch. 121, 1903.
16a	286	1899	New section, sec. 4, ch. 121, 1903.
1	290	1899	Sec. 5, ch. 418, 1901; sec. 1, ch. 419, 1901.
3	296	1899	Sec. 1, ch. 61, 1903.
1	297	1899	Sec. 1, ch. 282, 1903.

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2	300	1899	Sec. 1, ch. 342, 1899.
7	301	1899	Sec. 1, ch. 305, 1903.
1	306	1899	Sec. 1, ch. 465, 1901.
2	308	1899	Repealed, sec. 2, ch. 417, 1901.
3	311	1899	Sec. 7, ch. 358, 1901.
4	311	1899	Sec. 6, ch. 437, 1903.
5	311	1899	Sec. 1, ch. 53, 1901.
6	311	1899	Sec. 1, ch. 307, 1901; repealed, sec. 3, ch. 437, 1903.
7	311	1899	Sec. 25, ch. 358, 1901.
9	311	1899	Sec. 9, ch. 358, 1901.
14	311	1899	Sec. 14, ch. 358, 1901; sec. 25, ch. 437, 1903.
15	311	1899	Repealed, sec. 1, ch. 407, 1901.
1	312	1899	Sec. 1, ch. 358, 1901.
3	312	1899	Sec. 3, ch. 408, 1901.
4	312	1899	Sec. 2, ch. 358, 1901.
10	312	1899	Sec. 3, ch. 358, 1901.
14	312	1899	Sec. 5, ch. 358, 1901.
14*a*	312	1899	Sec. 4, ch. 358, 1901.
18	312	1899	Sec. 13, ch. 358, 1901.
19	312	1899	Sec. 16, ch. 358, 1901.
20	312	1890	Sec. 17, ch. 358, 1901.
3	313	1899	Sec. 1, ch. 66, 1905.
1	317	1899	Sec. 1, ch. 205, 1901.
.....	319	1899	Repealed, ch. 78, 1903.
1	323	1899	Sec. 1, ch. 389, 1901.
1	327	1899	Sec. 1, ch. 77, 1901.
2	335	1899	Sec. 1, ch. 374, 1901.
.....	339	1899	Sec. 1, ch. 445, 1903.
.....	341	1899	Sec. 1, ch. 382, 1903.
2	345	1889	Sec. 1, ch. 458, 1901.
1	348	1899	Sec. 1, ch. 143, 1901.
2	348	1899	Sec. 2, ch. 143, 1901.
3	348	1899	Sec. 3, ch. 143, 1901.
4	348	1899	Sec. 4, ch. 143, 1901.
1	349	1899	Sec. 2, ch. 457, 1901.
2	349	1899	Sec. 3, ch. 457, 1901.
3	349	1899	Sec. 4, ch. 457, 1901.
.....	354	1899	Repealed, sec. 1, ch. 197, 1903; sec 32, ch. 493, 1905.
1	355	1899	Sec. 1, ch. 245, 1901.
2	355	1899	Sec. 2, ch. 245, 1901.
4	355	1899	Sec. 3, ch. 245, 1901.
5	355	1899	Sec. 4, ch. 245, 1901.
6	355	1899	Sec. 5, ch. 245, 1901.
11	355	1899	Sec. 6, ch. 245, 1901.
13	355	1899	Sec. 7, ch. 245, 1901.
19	355	1899	Sec. 8, ch. 245, 1901.
1681-9	356	1899	Sec. 1, ch. 41, 1901.
2	356	1899	Sec 1, ch. 361, 1901.
.....	356	1899	Ch. 262, 1905.
.....	9	1901	Sec. 1, ch. 276, 1903.

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.....	3	1901	Repealed, sec. 3, ch. 515, 1905.
.....	10	1901	Repealed, sec. 13, ch. 474, 1905.
.....	13	1901	Sec. 1, ch. 7, 1905.
.....	19	1901	Sec. 1, ch. 276, 1903.
1	22	1901	Sec. 1, ch. 6, 1903.
1	25	1901	Sec. 1, ch 451, 1901.
4	43	1901	Repealed, sec. 1, ch. 192, 1903; sec. 45, ch. 419, 1905.
1	48	1901	Sec. 1, ch. 16, 1905.
.....	50	1901	Repealed, sec. 45, ch. 419, 1905.
.....	74	1901	Ch. 312, 1903.
.....	87	1901	Repealed, sec. 1, ch. 324, 1901.
1	90	1901	Sec. 1, ch. 97, 1903; ch. 359, 1903; sec. 1, ch. 496, 1905.
2	90	1901	Sec. 2, ch. 97, 1903; sec. 2, ch. 496, 1905.
4	90	1901	Sec. 3, ch. 97, 1903.
6	90	1901	Sec. 4, ch. 97, 1903.
8	90	1901	Sec. 5 ch. 97, 1903.
9	90	1901	Sec. 6, ch. 97, 1903.
10*a*	90	1901	New section 7, ch 97, 1903.
.....	90	1901	Sec. 1, ch. 359, 1903.
.....	98	1901	Ch. 61, 1895; ch. 270, 1903; ch. 339, 1905.
1	110	1901	Sec. 1, ch. 299, 1901.
.....	110	1901	Sec. 1, ch. 255, 1903.
2	112	1901	Sec. 1, ch. 283, 1901.
.....	125	1901	Ch 316, 1905.
5	125	1901	Sec. 1, ch. 200, 1903.
1	136	1901	Sec. 1, ch. 75, 1905.
4	136	1901	Sec. 1, ch. 75, 1905.
2	138	1901	Sec. 1, ch 414, 1901.
5	156	1901	Sec. 1-4, ch. 500, 1905.
.....	168	1901	Sec. 1, ch. 238, 1903.
1	185	1901	Sec. 1, ch. 220, 1903.
1	188	1901	Sec. 1, ch. 329, 1903.
.....	192	1901	Repealed, sec. 2, ch. 487, 1905.
1	97	1901	Sec. 1, ch. 417, 1901.
1	205	1901	Sec. 1, ch. 421, 1905.
2	228	1901	Sec. 1, ch. 240, 1903.
17	228	1901	Sec. 2, ch. 240, 1903.
26	228	1901	Sec. 3, ch. 240, 1903.
36	228	1901	Sec. 7, ch. 434, 1905.
33	228	1901	Sec. 8, ch. 434, 1905.
66	228	1901	Sec. 9, ch. 434, 1905.
65	228	1901	Sec. 10, ch. 434, 1905.
59	228	1901	Sec. 4, ch. 240, 1903; ch. 434, 1905.
62	228	1901	Sec. 5, ch. 240, 1903.
71*a*	228	1901	New section 6, ch. 240, 1903.
73	228	1901	Sec. 7, ch. 240, 1903; sec. 3, ch. 434, 1905.
1	229	1901	Sec. 1, ch 453, 1901.
.....	232	1901	Sec. 1, ch. 206, 1905.
1	232	1901	Sec 1, ch. 212, 1905.
1	233	1901	Sec. 1, ch 261, 1905.

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2	243	1901	Sec. 1, ch 250, 1905.
3	257	1901	Sec. 2, ch. 250, 1905.
3a	257	1901	Created, sec. 3, ch. 250, 1905.
4	257	1901	Sec. 4, ch. 250, 1905.
.....	267	1901	Sec. 1. ch. 263, 1903.
1	268	1901	Sec. 1, ch. 438, 1903.
2	268	1901	Sec. 2, ch. 438, 1903.
3	268	1901	Sec. 3, ch. 438, 1903.
1	271	1901	Ch. 456, 1905.
10	288	1901	Sec. 1, ch. 143, 1903.
.....	290	1903	Repealed, sec. 2, ch. 446, 1905
2	292	1901	Repealed, sec. 112, 1903.
4	295	1901	Sec. 1, ch. 456, 1901.
8	295	1901	Sec. 1, ch 456, 1901.
1	297	1901	Sec. 1, ch 318, 1903.
.....	299	1901	Sec. 1, ch. 255, 1903.
2	312	1901	Sec. 1, ch. 210, 1905.
.....	313	1901	Repealed, ch. 87, 1905.
.....	320	1901	Sec. 1, ch. 259, 1903.
1	336	1901	Ch. 125, 1905.
.....	337	1901	Repealed, sec. 1, ch. 290, 1903; sec. 2, ch. 446, 1905.
.....	341	1901	Repealed, sec. 25, ch. 490, 1905.
1	347	1901	Sec. 1, ch 69, 1903.
.....	356	1901	Repealed, sec. 2, ch. 446, 1905.
15	358	1901	Sec. 24, ch. 437, 1903.
22	358	1901	Sec. 20, ch. 437, 1903.
24	358	1901	Sec. 12, ch. 437, 1903.
4	360	1901	Sec. 1, ch. 196, 1903.
5	373	1901	Sec. 1. ch. 338, 1903.
1	377	1901	Sec. 1. ch. 143, 1905.
2	381	1901	Sec. 1, ch. 129, 1903; ch. 371, 1905.
2	393	1901	Sec. 1, ch. 320, 1903.
3	405	1901	Sec. 1, ch. 383, 1903.
1	408	1901	Sec. 1, ch. 410, 1903.
1	412	1901	Sec. 1, ch. 4, 1903.
1	415	1901	Sec. 1, ch. 71, 1903.
.....	420	1901	Repealed, sec. 12, ch. 534, 1903.
7	432	1901	Repealed, sec. 23, ch. 261, 1905.
9	432	1901	Repealed, sec. 23, ch. 264, 1905.
.....	435	1901	Repealed, sec. 15, ch. 437, 1903.
3	438	1901	Sec. 1, ch. 4, 905.
4	438	1901	Sec. 2. ch. 4, 1905.
.....	438	1901	Repealed, sec 3 ch. 515, 1905.
10	439	1901	Sec. 1, ch 332, 1905.
2-9	439	1901	Sec. 1, ch. 285, 1903; sec. 1, ch. 289, 1905.
1	439	1901	Sec. 1, ch. 5, 1903.
3	440	1901	Sec. 1, ch 22, 1903; sec. 1, ch. 32, 1905.
1	443	1901	Sec. 1, ch 28, 1903; repealed, ch. 233, 1905.
3	445	1901	Sec. 1, ch. 316, 1903.
4	445	1901	Sec. 2, ch 3 6, 1903.
2	440	1901	Sec. 1, ch. 162, 1905.
5	440	1901	Sec. 2, ch. 162, 1905.
6	440	1901	Sec. 3, ch. 162, 1905.

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4	459	1901	Sec. 1, ch. 495, 1905.
5	459	1901	Sec. 2, ch. 495, 1905.
8	459	1901	Sec. 3, ch. 495, 1905.
9	459	1901	Sec. 4, ch. 495, 1905.
10	459	1901	Sec. 5, ch. 495, 1905.
11	459	1901	Sec. 6, ch. 495, 1905.
.....	467	1901	Ch. 463, 1905.
.....	469	1901	Ch. 463, 1905.
.....	470	1901	Repealed, ch. 11, 1903.
2	121	1903	Sec. 1, ch. 330, 1903.
.....	1	1903	Sec. 1, ch. 446, 1903.
.....	4	1903	Repealed, sec. 3, ch. 515, 1905.
6	37	1903	Sec. 1, ch. 241, 1905.
3	43	1903	Sec. 1, ch. 99, 1905.
4	43	1903	Sec. 2, ch. 99, 1905.
1-4	44	1903	Sec. 1, ch. 219, 1903; ch. 96, 1905.
13	44	1903	Sec. 1, ch. 219, 1903.
1	52	1903	Sec. 1, ch. 183, 1905.
6	67	1903	Sec. 1, ch. 154, 1905.
.....	70	1903	Repealed, sec. 45, ch. 419, 1905
.....	72	1903	Sec. 1 ch. 302, 1905.
3	90	1903	Ch. 498, 1905.
3	112	1903	Sec. 1, ch. 191, 1905.
.....	116	1903	Repealed, sec. 45, ch. 419, 1905.
1	130	1903	Repealed, sec. 1, ch. 413, 1903; sec. 2, ch. 510, 1905.
1	131	1903	Sec. 1, ch. 188, 1905.
2	165	1903	Ch. 300, 1905.
9	165	1903	Ch. 300, 1905.
10	165	1903	Ch. 300, 1905.
11	165	1903	Ch. 300, 1905
.....	197	1903	Repealed, sec. 32, ch. 493, 1905.
.....	222	1903	Ch. 248, 1905.
.....	229	1903	Ch. 107, 1905.
1	232	1903	Ch. 169, 1905.
1	234	1903	Ch 109, 1905.
3	234	1903	Ch. 109, 1905.
27	234	1903	Ch. 109, 1905.
45	234	1903	Ch. 109, 1905.
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.....	273	1903	Sec. 1, ch. 18, 1905.
936*a*	293	1903	Sec. 1, ch. 98, 1905.
2	301	1903	Sec. 1, ch. 267, 1905.
Sub. 2	315	1903	Sec. 1, ch. 427, 1905.
6	315	1903	Sec. 12, ch. 216, 1905.
15	315	1903	Sec. 1, ch 216, 1905.
16	315	1903	Sec, 2, ch. 216, 1905.
19	315	1903	Sec. 3, ch. 216, 1905.
20	315	1903	Sec. 4, ch. 216, 1905
20*a*	315	1903	Created, sec. 5, ch. 216, 1805.
21	315	1903	Sec. 6, ch. 216, 1905.
21*a*	315	1903	Created, sec. 7, ch. 216, 1905.
22	315	1903	Created, sec 8, ch 216, 1 05.
23	315	1903	Sec. 9, ch. 216, 1905.

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24	315	1903	Ch. 10, sec. 216, 1905.
24*a*	315	1903	Created, sec. 11, ch. 216, 1905,
.....	317	1903	Ch. 284, 1905.
.....	320	1903	Ch. 321, 1905.
.....	334	1903	Repealed, sec. 1, ch. 186, 1905.
5	338	1903	Sec. 1, ch 509, 1905.
6	338	1903	Sec. 2, ch. 509, 1905.
.....	339	1903	Ch. 516, 1905.
4	344	1903	Ch. 471, 1905.
.....	353	1903	Ch. 290, 1905.
.....	360	1903	Ch. 388, 1905.
.....	393	1903	Repealed, sec. 25, ch. 90, 1905.
5	396	1903	Ch. 153, 1905.
11	396	1903	Ch. 153, 1905.
2	397	1903	Ch. 286, 1905.
9	397	1903	Ch. 286, 1905.
10	397	1903	Ch. 286, 1905.
2	399	1903	Ch. 216, 1905.
.....	413	1903	Repealed, sec. 2, ch. 510, 1905.
.....	419	1903	Ch. 340, 1905.
.....	432	1903	Ch. 345, 1905.
7	437	1903	Sec. 1, ch. 185, 1905.
2	439	1903	Sec. 1, ch. 13, 1905.
.....	450	1903	Repealed, sec. 23, ch. 264, 1905.
2	451	1903	Sec. 1, ch. 3, 1905.
20	451	1903	Sec. 1, ch. 359, 1905.
21	451	1903	Sec. 2, ch. 359, 1905.
22	451	1903	Sec. 1, ch. 79, 1905.
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S.7-14	451	1903	Sec. 2, ch. 424, 1905
.....	4	1905	Repealed, sec. 3, ch. 516, 1905.
.....	9	1905	Ch. 257, 1905.
6	19	1905	Sec. 1, ch. 317, 1905.
31	19	1905	Sec. 2, ch. 317, 1905.
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for illegal use of net in outlying waters, sec. 7, ch. 311, 1899; sec. 25, ch. 358, 1901; sec. 18, ch. 437, 1903.
for taking bass by nets in Green Bay, sec. 8, ch. 311, 1899.
for killing deer in close season, sec. 9, ch. 311, 1899; sec. 9, ch. 358, 1901; sec. 17, ch. 437, 1903; ch. 4[illegible], 1905.
for killing harmless birds, sec. 10, ch. 311, 1899.
for hunting on another's land without permission, sec. 11, ch. 311, 1899; sec. 20, ch. 358, 1901.
for possession of fish or game during close season, sec. 12, ch. 311, 1899.
for selling fish or game during close season, sec. 13, ch. 311, 1899.
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for failure of consignor to put name and address on package containing fish or game, sec. 20, ch. 312, 1899; sec. 17, ch. 358, 1901.
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for selling impure milk or cream; coloring of, sec. 3, ch. 313, 1899; ch 66, 1905.
for discrimination against members of labor organizations, sec. 2, ch. 332 1899.
for failure to assist fire wardens, ch. 353, 1899.
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for failure of cited person to appear in proceedings for discovery of property, sec. 2, ch. 23, 1901.
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for employer to refuse to give written evidence of wages due, sec. 1, ch. 47, 1901.
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for indecent exposure of person, ch. 80, 1901.
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for using, selling or having in possession any false weights and measures, ch. 108, 1901.
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for desecration of U. S. flag, sec. 4, ch. 142, 1901.
for neglect to deliver election returns, sec. 2, ch. 148, 1901.
for sale of imitation cheese or butter; oleomargarine as butter, ch. 151, 1901.
for killing or having in possession dead birds, or eggs and nests of, sec. 3, ch. 156, 1901; sec. 3, ch. 500, 1905.
for misconduct of passengers on cars or street railways, ch. 165, 1901.
for failure of hotel or inn-keeper to provide ropes in bed-rooms, sec. 3, ch. 173, 1901.
for counterfeiting railroad ticket or pass, sec. 1, ch. 179, 1901.
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for taking trout in Brunsweiler river and Trout Brook in Ashland county during closed season, sec. 1, ch. 187, 1901.
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for failure to maintain fishways in Big Elk and Flambeau rivers in Price county, sec. 2, ch. 218, 1901.
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for failure of telegraph or telephone companies to post act defining liability of employes of, sec. 2, ch. 259, 1901.
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for violations of regulations governing bicycle sidepaths, sec. 11, ch. 308, 1901.
for unlawful fishing in Wolf, Gildner and Long lakes in Fond du Lac county, sec. 3, ch. 325, 1901.
for depositing drugs, etc., on door steps, etc., ch. 335, 1901.
for violations of statutes by dealers in bankrupt stock, etc., sec. 8, ch. 341, 1901.
for failure to maintain fire escapes, sec. 5, ch. 349, 1901.
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for killing pheasants, quail, etc., in closed season, sec. 10, ch. 358, 1901; sec. 10, ch. 437, 1903; ch. 449, 1905.
for killing rabbits, otter, etc.; molesting muskrat houses, sec. 11, ch. 358, 1901; sec. 11, ch. 437, 1903; ch. 514, 1905.
for unlawful taking of aquatic fowl, sec. 12, ch. 358, 1901; sec. 9, ch. 437, 1903.
for hunting game with dogs, sec. 15, ch. 358, 1901; sec. 24, ch. 437, 1903.
for failure of fishermen in outlying waters to report, sec. 18, ch. 358, 1901.
for pollution of inland waters, sec. 19, ch. 358, 1901.
for illegal shipment of fish from inland waters, secs. 22 and 23, ch. 358, 1901; sec. 20, ch. 437, 1903.
for failure of county clerk to remit fish and game license fees, sec. 24, ch. 358, 1901.
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for giving reward, etc., to assessor or member of board of review, sec. 3, ch. 379, 1901.
for intentionally fixing lesser valuations, etc., sec. 4, ch. 379, 1901.
for member board of review fixing, etc., sec. 5, ch. 379, 1901.
for failure of owner of public building, etc., to have doors swing outwardly, ch. 380, 1901.
for violations of requirements in transportation of corpses, ch. 401, 1901.
for employe of free employment agency accepting a fee, sec. 7, ch. 420, 1901; sec. 7, ch. 434, 1903.
for using name Wisconsin Free Employment offices, etc., sec. 10, ch. 420, 1901; sec. 9, ch. 474, 1903.
for failure to destroy noxious weeds, sec. 1, ch. 424, 1901.
for violations of requirements for electric wiring of building, sec. 4, ch. 431, 1901.
for spearing pickerel in lakes of Waukesha county, sec. 2, ch. 435, 1901.
for illegal use of corporate name, sec. 1, ch. 446, 1901.
for deceiving physically disabled voter in using voting machine, sec. 7, ch. 459, 1901.
of election officers to perform duties as to voting machines, sec. 14, ch. 459, 1901.
for tampering with voting machine, sec. 15, ch. 459, 1901.
for election officers allowing tampering with, sec. 16, ch. 459, 1901.
of election officer for incorrect return of result recorded by, sec. 17, ch. 459, 1901.
for violations regarding sale of illuminating oils, secs. 3 and 4, ch. 466, 1901.
for unlawful sale of gasoline, sec. 8, ch. 466, 1901.
for illegal shipment of ice from state, sec. 7, ch. 470, 1901.
for violation of city ordinances, ch. 41, 1903.
for using or selling false standard measure of Babcock test, sec. 4, ch. 43, 1903; sec. 2, ch. 99, 1905.
for camping on highways without permission, sec. 2, ch. 52, 1903.
for use or sale of unclean and unsanitary milk, sec. 6, ch. 67, 1903; ch. 154, 1905.
for failing to provide drinking tanks, etc., in interurban cars, ch. 74, 1903.
for failure to file affidavit after sale of chattel under mortgage, sec. 2, ch. 122, 1903.

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for conducting accident insurance business without license, ch. 13[illegible], 1903; ch. 413, 1903.
for permitting liquors to be admitted or drank at voting places, ch. 132, 1903.
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for failure to furnish reports, etc., to health officers, sec. 6, ch. 161, 1903.
for failure to bulletin time of arrival of passenger trains, ch. 63, 1903.
for unloading branded or western horses unaccompanied by certificate of inspection, sec. 6, ch. 168, 1903.
for bringing into state western horses unaccompanied with certificate of inspection, sec. 7, ch. 168, 1903.
for unlawful use of trade marks, ch. 196, 1903.
for disclosing affairs of bank by bank commissioner, deputy, examiners, or clerks, sec. 6 (part 1), ch. 234, 1903.
for disclosing affairs of bank by receiver, sec. 9 (part 1), ch. 234, 1903.
for refusal by banks, etc., to keep accounts required, sec. 2 (part 1), ch. 234, 1903.
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for making false statements and false entries by banks, sec. 17 (part 2), ch. 234, 1903.
for embezzlement or willful misapplication of moneys by bank officers, sec. 37 (part 2), ch. 234, 1903.
for violation of bank law by directors of banks, sec. 38 (part 2), ch. 234, 1903.
for acting as bank or banker when not legally authorized, sec. 47 (part 2), ch. 234, 1903.
for failure of local officers to make statistical reports, sec. 13, ch. 3[illegible], 1903.
for failure or neglect of railroads to pay taxes, sec. 21, ch. 315, 1903.
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for maintaining slaughter house in certain places, ch. 369, 1903.
for permitting use or maintenance of slaughter house in prohibited places, ch. 369, 1903.
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for violations of warehouse regulations, sec. 6, ch. 412, 1903.
for refusal of liquor dealers to answer questions as to consumption and sale of alcoholic liquors, ch. 4[illegible], 1903.
for practicing medicine without lawful authority, sec. 5, ch. 426, 1903.

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for refusing railroad commissioner access to books, etc., for refusing to give him information or hinderng his investigation, ch. 431, 1903.
forfeiture imposed on railroad companies for refusing commissioner access to books, etc., ch. 431, 1903.
for failure to state consideration, etc., of patent right notes, etc., ch. 438, 1903.
for hunting prairie chickens in Door, Kewaunee, Brown, Outagamie, and Marinette counties, sec. 2, ch. 437, 1903
for hunting woodcock, etc., in close season, sec. 4, ch. 437, 1903.
for catching muskellunge and sturgeon below weight limit, sec. 21, ch. 437, 1903; ch. 489, 1905.
for selling, etc., deer, wild duck, woodcock, and other game, sec. 1, ch. 449, 1903.
for bribery at primary elections, sec. 24, ch. 451, 1903.
for forging signatures to nomination papers, etc., sec. 24, ch. 351, 1903.*

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for acting as warehouseman in city of Superior without license, sec. 9, ch. 19, 1905.
for warehouseman making default in delivery of grain, sec. 14, ch. 19, 1905.
for refusing weighmaster access to scales, sec. 24, ch. 19, 1905.
for acting as grain inspector without authority, sec. 31, ch. 19, 1905.
for fraudulent inspection of grain, sec. 32, ch. 19, 1905.
for tampering with seals placed upon cars of grain, sec. 51, ch. 19, 1905.
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for selling food containing chemical preservatives, ch. 33, 1905.
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for use of false weights and measures, ch. 70, 1905.
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for fishing in Little Bass lake, sec. 3, ch. 93, 1905.
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for sale or manufacture of milk or cream short on fats, sec. 3, ch. 247, 1905.
for failure to make re-assessment as ordered, sec. 12, ch. 259, 1905.
for neglect of district attorney or other officer in prosecuting trespass on state lands, sec. 15, ch. 264, 1905.
for destroying warning notices on state forests, sec. 16, ch. 264, 1905.
for burning weeds or failure to prevent escape of sparks, cinders or fire from engine, on forest reserve, sec. 17, ch. 264, 1905.
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for catching fish with dynamite or other explosives, sec. 8, ch. 489, 1905.
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for illegal catching with net of whitefish or trout, sec. 33, ch. 489, 1905.
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to approve payments from re-equipment fund of Wisconsin National Guard, sec. 2, ch. 90, 1899; ch. 62, 1901.
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may receive gifts of lands for interstate park purposes, sec. 9, ch. 102, 1899.
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may appoint commission to confer with governor of Minnesota on improvements in inter-state park, sec. 3, ch. 102, 1899; ch. 395, 1905.
authorized to continue work on interstate park, sec. 1, ch. 305, 1901; ch. 395, 1905.
to appoint commission to direct expenditure of Barron county fire sufferers, sec. 2, ch. 110, 1899.
to approve bonds of board of trustees of Wisconsin Veterans' Home, sec. 2, ch. 122, 1899; sec. 2, ch. 383, 1901.

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to act as commissioner to adjust claim of R. S. Houstan, ch. 174, 1899.
to approve transfer to normal school income fund from trust funds, sec. 2, ch. 202, 1899.
to appoint commission for Ohio Centennial and Northwest Territory exposition, sec. 2, ch. 205, 1899.
to be president of, sec. 3, ch. 205, 1899.
to nominate commissioners of taxation, sec. 1, ch. 206, 1899.
to fill vacancy on bench, Milwaukee district court, sec. 3, ch. 218, 1899.
to appoint committee to procure medal for Prof. S. M. Babcock, ch. 223, 1899.
to approve contracts for university improvements, ch. 239, 1899.
to approve plans and direct improvements on south wing of capitol, ch. 248, 1899.
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to settle swamp land indemnity claims against U. S., sec. 1, ch. 269, 1899.
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to approve expenses of special deputies, sec. 4, ch. 312, 1899; sec. 2, ch. 358, 1901.
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to appoint board of managers of Pan American exposition, sec. 2, ch. 318, 1899.
to approve treasurer's bond, sec. 4, ch. 318, 1899.
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to fill vacancy in Dane county municipal judgeship, sec. 4, ch. 49, 1901.
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to appoint regents of university, one to be a woman, ch. 255, 1901; ch. 66, 1903.
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to appoint commission to locate position of Wisconsin troops at Vicksburg, ch. 281, 1901.
to appoint commissioner to conduct repairs, on Portage levee, sec. 1, ch. 282, 1901; sec. 2, ch. 419, 1903.
to approve expenditures of, sec. 5, ch. 282, 1901.
to approve purchase of land for reformatory, sec. 1, ch. 289, 1901.
to appoint members of State Board of Managers of St. Louis World's Fair, sec. 2, ch. 297, 1901.
to appoint osteopathist on state board of medical examiners, sec. 1, ch. 306, 1901.
may appoint person to investigate state institutions, ch. 403, 1901.
to co-operate with authorities of Madison in re-paving about capitol, sec. 1, ch. 406, 1901.
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to appoint state fish and game warden; to approve expenses of, sec. 1, ch. 408, 1901.
to approve expenses of, etc., for executive residence, sec. 1, ch. 418, 1901.
to appoint superintendents of free employment offices, sec. 2, ch. 420, 1901; sec. 2, ch. 434, 1903.
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to approve accounts of state forest warden, sec. 9, ch. 432, 1901.
to establish central system of accounting, sec. 1, ch. 433, 1901.
to prescribe form of receipt for money, par. 4, sec. 3, ch. 433, 1901.
to approve withholding of money for failure to observe requirements of system, sec. 6, ch. 433, 1901.
to fill vacancies in municipal judgeship in Forest county, sec. 1, ch. 313, 1901.
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to approve plans and estimates for new university buildings, sec. 2, ch. 322, 1901.
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to approve illuminating oil districts and deputies for, sec. 1, ch. 466, 1901.
to approve bonds of deputies and amount of, sec. 2, ch. 466, 1901.
to approve accounts of, sec. 2, ch. 466, 1901.
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